

**Royal Wootton Bassett Academy Trust
Leave of Absence Policy for All Staff**

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RWBAT Responsibility: MAT LT

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Relevant Legislation:

Equality Act 2010

Employment Relations Act 1999

Related Policies:

Disciplinary Policy

Appraisal and Capability Policy

Health, Wellbeing & Attendance Management Policy

Redundancy Policy

Maternity Leave

Paternity Leave

Adoption Leave

Shared Parental Leave

Managing Cancer in the Workplace

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1. Policy Statement

Unless a member of staff is sick or leave of absence has been authorised, the policy of the Trust can be summarised as:

- If a member of staff is absent from work, she/he shall not be paid for that particular day. It is expected that, wherever possible, matters likely to require the member of staff to be absent are dealt with during school closure periods. Nevertheless, it is recognised that certain matters may be outside an employee's control.

The policy will apply to all categories of employee employed by the Trust. This policy outlines circumstances in which leave of absence with or without pay may be granted to any member of staff (teaching or support) during term time. In the interests of consistency, the Governing Body will adhere to the policy although it cannot be exhaustive and there may be individual cases outside the range of the policy or areas of clarification required with it. In such circumstances, advice will be sought from HR, Headteacher or CEO.

All applications for leave of absence, with or without pay, should be made in writing to the Headteacher as early as possible before the event.

The Headteacher may approve leave of absence in accordance with the policy for periods not exceeding five days. Leave will not be approved where it would not be in the interest of the Trust or where granting it is in conflict with this policy.

Requests for leave of absence of more than five days may be subject to approval by the Governing Body. The Headteacher, Governing Body or CEO can reserve the right to refuse approval for leave or to withhold salary for absences, which do not comply with the policy. It is essential that a full explanation for a proposed absence be supplied to the Governing Body.

Staff should not take leave, not enter into a commitment, which requires leave of absence, before a decision concerning the request has been reached.

Requests for time off beyond those stated in the policy may be granted in exceptional circumstances at the discretion of the Headteacher, Governing Body or CEO. Any additional leave may be unpaid.

If leave of absence is refused by the Headteacher, the Governing Body or CEO, there is a right of appeal to the appropriate panel of the Governing Body.

2. Scope

This policy has been adopted by the Trust Body of Royal Wootton Bassett Academy Trust and applies to all members of staff. It should be read in conjunction with other relevant documents on contractual terms and conditions (e.g. the Burgundy Book and the Green Book) which cover the terms and conditions of specific groups of staff. Nothing in this document seeks to override those particular provisions.

3. Decisions regarding requests for time off

The Headteacher (CEO or Chair of Governors if it is the Headteacher requesting time off) has the delegated authority to decide as to whether to grant time off and whether it should be paid or unpaid. Appeals against the Headteacher's/CEO/Chair's decision should be made to the Governing Body via the Trust's Grievance Procedure.

Any suspected abuse of the policy by staff will be dealt with under the Trust's Disciplinary Policy.

A formal record of requests made, including a description of the circumstances and whether or not the request was granted, should be kept on the member of staff's personnel record. Where unpaid leave is granted the Headteacher should inform HR and Payroll to deduct the pay for the dates it is granted.

4. Time off for urgent domestic problems (including childcare)

Headteachers have the discretion to grant up to three* days' leave with pay to staff at the time of an urgent domestic problem (which includes childcare), which may be extended by the Governing Body to six days leave with pay in exceptional circumstances.

*Please note if the wellbeing day is taken (see 4.1) there will only be 2 days' leave granted as paid for urgent domestic problems. Additional days may still be granted but will be unpaid.

For the purposes of granting leave for urgent domestic problems, this must be for serious circumstances which are considered to be urgent and unforeseen and could not have been planned during the holiday periods.

This is usually given for a sudden illness of someone whom the member of staff has a close relationship. This may include a child who has been admitted to hospital with sudden illness. It could also include sudden and serious damage to house or property which requires immediate attention. Where there has been a car breakdown preventing the colleague from attending their place of work, there will be an expectation that the colleague affected will make every attempt to arrive in work as quickly as possible.

4.1 Wellbeing Day

From September 2018 the Trust will grant 1 day which can be booked as a paid holiday. Please note before booking any commitments you must apply for the date with HR for authorisation by the Leadership Team. Please note several dates throughout the academic year cannot be booked i.e. Open Evening, INSET days, PD days, start and end of term. The LT will review the dates to ensure minimal disruption to learning. The decision of the LT will be final.

*Please note if the wellbeing day is taken (see 4.1) there will only be 2 days' leave granted as paid for urgent domestic problems. Additional days may still be granted but will be unpaid.

5. Time off for emergencies relating to dependants

The Employment Relations Act 1999 provides all colleagues with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants.

Staff taking time off under this right must notify the Headteacher of their absence on the day they take time off and if possible to give notification in advance by following the Trust's procedure for reporting absence.

Circumstances when a colleague may take time off are:

- If a dependant falls ill, or has been injured or assaulted
- When a dependant is having a baby
- To make longer term care arrangements for a dependant who is ill or injured
- To deal with a death of a dependant
- To deal with unexpected disruption or breakdown of care arrangements for a dependant
- To deal with an incident involving the employee's child during school hours

The statutory rights to parental and adoption leave are explained in the Family Support Policy.

In deciding what a reasonable amount of time is, the Headteacher must take into account the individual circumstances of the employee seeking to exercise the right and must consider the following:

- What are the practical things the employee has to arrange, and how long would this normally take?
- Are there any circumstances which would justify more time for the particular employee? For example, does the employee's dependant live some distance away?
- How much time has the employee taken off for similar requests on previous occasions? What was the length of these absences and when were they?

The above three considerations should then be balanced in deciding what is reasonable.

In most cases, one or two days should be sufficient to deal with an emergency. For example:

- If a child falls sick with chickenpox, the amount of time off should be sufficient to allow the employee to cope with the immediate care of the child (e.g. a visit to the doctors and making longer term care arrangements). The right does not extend itself to allowing the employee to take two weeks off to care for the child.

The policy does not allow an employee to have unlimited amounts of time off work. In deciding whether further requests for time off for dependants is reasonable and necessary, line managers should take into account the number and length of previous absences, as well as the dates when they occurred.

5.1 Parental Leave

Parental leave is a right to take unpaid time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with their children and to balance work and family commitments.

- Employees must have 1 year's continuous services to qualify for this provision
- 18 weeks of unpaid leave can be taken for children under 18 years
- Leave may be taken straight after the birth or adoption or following a period of maternity leave
- An employee's parental leave entitlement is an overall entitlement, i.e. it does not start again with a new employer. For example, if a new employee joins the Trust, but has already exhausted their full entitlement to parental leave with a previous employer, they would have no entitlement left
- Parental leave is an individual statutory right and cannot be transferred between parents
- Parental leave is in respect of each child for whom the employee has parental responsibility. For example, parents of triplets are entitled to 39 weeks (3x13 weeks)

Employees will need to give the Governing Body at least 21 days' notice in writing, giving the dates when the leave is due to start and finish. They would normally only be able to take a maximum of 4 weeks leave in any year.

If it is considered that the absence would unduly disrupt the school, then the Headteacher/Governing Body/CEO can postpone an employee's request for parental leave. However, it can only be postponed for no longer than 6 months after the beginning of the period that the employee originally wanted to start his/her parental leave.

For more details on Parental Leave, Maternity Leave, Paternity Leave and Adoption Leave please refer to the relevant policy.

6. Compassionate leave

Paid compassionate leave may be granted in the following circumstances:

- Sudden, serious illness of near relative, spouse or child – up to 5 days paid leave

- Death of a near relative, spouse, partner or child – up to 5 days paid leave
- Funeral of a near relative, spouse, partner or child – 1 day of paid leave

Near relative* is defined as husband, wife, partner, father, mother, son, daughter, brother, sister or grandparent. Near relative can also include in-laws of spouse, partner or child.

Employees wishing to attend the funeral of other relatives, friends or colleagues in term time may request unpaid leave.

7. Leave to attend significant events

The Governors recognise that from time to time staff may have the need to attend a significant event during term time such as the graduation ceremony for a son or daughter or the wedding or civil partnership of a near relative*.

Teachers and term time only staff do not have a leave allowance, which can be taken during term time. This leave of absence policy enables staff to take one day of paid leave in a school year in order to attend a significant event. The Trust staff must seek the express permission of the Headteacher for paid leave in advance of the event. The operational needs of the Trust will be considered before granting leave and there may be times when the Headteacher will need to refuse a request for leave of absence.

If the significant event is also deemed an emergency, staff must make every effort to discuss the circumstances of the absence with the Headteacher or Deputy Headteacher so that HR can adjust pay accordingly.

8. Job Interviews

All staff under notice of redundancy may take reasonable paid leave to attend selection interviews for jobs.

Where staff are applying for employment in other schools it is likely to mean an interview will be held within term time. The Headteacher has discretion to allow up to 2 days paid leave for such interviews. Requests to take leave to attend an interview must be made to the Headteacher in advance of the event. Requests over the 2 days are at the discretion of the Headteacher.

9. Other leave

9.1 Examination duties

Teaching staff undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained in Appendix 2 of the Conditions of Service for School Teachers in England and Wales (Burgundy Book).

Staff attending examinations approved by the Trust to obtain professional qualifications relevant to their role and approved by the Headteacher should be allowed paid leave to attend such examinations. Revision or study leave for such examinations is left to the discretion of the Headteacher to determine whether this will be paid or unpaid time off.

9.2 Jury service

Employers are required by law to allow time off work for jury service. The employer cannot apply for deferral or excusal on their behalf, only the person summoned for jury service may ask for a deferral or excusal based on their own personal circumstances. In the public sector, employers are strongly recommended to support staff called on for public duties and services. Employees in schools are therefore given paid leave to undertake their jury service so there is no detriment to them. They are, however, required to claim the allowance for loss of earnings from HM Courts & Tribunals Service (HMC&TS) and an equivalent amount will be deducted from the employee's salary. This means that the employee is not disadvantaged and receives the equivalent of their normal salary for the period of their jury service.

9.3 Moving house

A maximum of one days paid leave will be granted to an employee's first appointment with the Trust requiring relocation to the area. Existing staff are encouraged, if at all possible, to make arrangements to move house during school closures. However, if this proves impossible, staff may be granted one day's unpaid leave in order to move house. The Headteacher is permitted to ask for documentary evidence relating to why the move could not take place during school closures.

9.4 Medical appointments

Employees are expected to make appointments outside normal working hours wherever possible. However, if necessary, paid time off to attend medical appointments will be granted but will be recorded as a sickness absence as per the Health, Wellbeing & Attendance Management Policy. Staff attending such appointments must seek the permission of their line manager or Headteacher before attending. The Trust has the right to request to see hospital appointment letters.

Paid time off should be permitted for the purpose of cancer screening which will be treated like any other medical appointment.

Employees requesting time off for fertility treatment will, in general, be supported. The specific needs of the employee for time off will need to be addressed and the various provisions for leave set out in this policy will be used to enable this to happen where reasonable. This may mean taking time

off for medical appointments and making full use of compassionate leave. The compassionate leave may be paid or unpaid depending on the specific circumstances. In any event the situation should be treated with sensitivity. Sickness absence resulting from the treatment should be counted against the employee's sick leave entitlement in the usual way. The nature of the treatment may mean that absences cannot always be planned in advance but it is reasonable to expect staff to give as much notice of the need for time off as is possible.

9.5 Time off to attend antenatal appointments

The Maternity Regulations provide the right for all women to take paid time off to attend antenatal care. Pregnant staff must produce evidence of appointments if requested to do so by their line manager or Headteacher.

From 1st October 2014, staff who have a qualifying relationship with a pregnant woman or an expected child are entitled to take unpaid time off work to accompany that pregnant woman at up to 2 antenatal appointments. Time off should be applied for by using the Time Off Timetable Request form. These requests will be authorised by the Headteacher only.

9.6 Time off for public duties

Staff who are appointed to an important office in public service, e.g. as a Justice of the Peace, Magistrate, or Local Government Councillor will be granted up to 18 days paid leave of absence in an academic year. Staff who hold such public office should advise the Headteacher of the obligations of their office at the time of their appointment.

9.7 Time off for volunteer members of HM Forces

Volunteer members of HM Forces may request up to two weeks' paid leave of absence (i.e. 10 working days) in any academic year to attend summer camp where this cannot be arranged during a school holiday. If volunteers are mobilised the law protects employment and requires reinstatement on return from mobilised service. Requests should be made to the Headteacher to be considered.

9.8 Leave for religious festivals and holy days

Regulations do not require employers to provide time or facilities for religious or belief observance in the workplace. However, request for time off will be treated sympathetically where it is reasonable to do so. Time off granted will be unpaid and up to 3 days per academic year would be considered reasonable. It is recommended that the Trust considers whether employee requests for additional breaks in a working day for religious observance are reasonable and practical but where any such breaks agreed it should be unpaid.

While it may be practical for one or a small number of employees to be absent, it might be difficult if the Headteacher receives numerous requests. In these circumstances, the Headteacher should

discuss the matter with the employees affected, with the aim of balancing the needs of the school and those of employees.

9.9 Time off to accompany a fellow employee in a disciplinary or grievance situation

Reasonable paid time off will be granted to accompany a fellow worker at a disciplinary or grievance hearing.

9.10 Trade union and professional association duties

Certain staff undertaking recognised trade union, or Professional Association, duties are provided with paid time off as defined in the Local Authority's facility time agreement.

9.11 National sporting fixtures

Staff are granted reasonable paid time off where they are a national representative in a sporting event. This is recommended not to exceed 10 working days in an academic year but Governing Bodies have discretion to grant additional days based on individual cases.

9.12 Governors duties

Employees who are Governors at a school other than their own can request unpaid leave of absence to undertake duties but should notify the Headteacher in plenty of time. In some exceptional circumstances, staff may be paid for leave at the discretion of the Headteacher. Employees who are Governors at their own school (staff Governors) there is no entitlement to time as considered part of their normal duties and the time given up is voluntary.

10. Deductions from pay for unpaid leave

All approvals to allow unpaid leave should be notified to HR and payroll to deduct the pay for the dates granted.

Where the time off granted is unpaid, the deduction from salary will be at the following rates:

- Leave of absence without pay to be calculated for teachers on the basis that one day equals 1/365th of annual salary
- In cases of leave of absence without pay for teachers extending both sides of a weekend e.g. Thursday to Tuesday inclusive, the weekend shall be included in the calculation
- In cases of leave of absence without pay for one week for a teacher, Monday to Friday, the calculation shall be for the whole week of 7 days which will include one weekend
- Leave of absence without pay to be calculated for support staff on the basis that one day equals 1/5th of their weekly pay
- For part-time support staff, the amount of unpaid leave to be deducted should be calculated in relation to their normal working week at the time unpaid leave is taken. For example, where an

employee works 18 hours per week over 3 days each of 6 hours and they take a day of 6 hours off as unpaid leave, they will have $6/18 = 0.33$ of a week's pay deducted from their pay

- In cases of leave of absence without pay for one week for support staff, Monday to Friday, the calculation shall be for the whole working week which will not include the weekend
- All entitlements are pro-rata for part-time/job share staff

Except in emergency situations, where an oral request may be granted, all requests for leave of absence under these provisions should be made in writing to the Headteacher on the leave of absence request form with sufficient notice to allow written approval to be given to the employee.

11. General

Any leave request outside of this policy is at the discretion of the Headteacher/CEO and/or Governing Body. Staff are contractually obliged to take holidays outside of term time, this leave is only to be granted in exceptional circumstances.

Absence overview

Please note this is a quick check overview for staff and is not an exhausted list, any queries should be addressed to the Headteacher either in person or by email. Unless the absence is clearly stated under the paid leave section, please do not assume that the leave will be paid, always seek advice/clarification from the Headteacher or HR. Also, please note the following quote from the Leave of Absence Policy 'Staff should not take leave, not enter into a commitment which requires leave of absence, before a decision concerning the request has been reached.'

Paid leave of absence

- Up to 5 days for the death of a near relative* - mother, father, child, sibling, wife/husband or partner
- 1 day for the funeral of a near relative, additional days may be granted where distance is an issue. (Employees wishing to attend the funeral of other relatives, friends or work colleagues may request unpaid leave)
- 1 day for the funeral of a former colleague, a pupil or where the member of staff is representing the Trust
- Interviews (see policy for exceptions) - up to 2 days
- 1 day to move house, if on first appointment moving to area
- 1 day to attend a degree ceremony (dependant) or investiture or wedding/civil partnership of a near relative (see policy for details)
- 18 days per annum for justice of the peace/magisterial duties
- Jury service or appearing in court
- Paternity/maternity/adoption leave in line with the National Guidelines (see further policy)



- 3 days for urgent domestic problems including childcare

Unpaid Leave of Absence

- Time off for dependants
- Time to observe special festival/spiritual observance days
- Moving house, unless the 1 day to move house on first appointment to area as noted above
- Parental leave - refer to the Leave of Absence Policy

Please remember: Time in lieu agreements for days taken and made up must be agreed by the Headteacher/Deputy in advance to any bookings.

Exception

New staff who have pre-booked holiday will be granted leave unpaid or time to be made up but must prove that the holiday booking was made prior to appointment.