

Leave of Absence Policy

Policy Owner: The Mercian Trust
People & Culture Committee

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Increasing Opportunities
Improving Outcomes

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1 Introduction

- 1.1 Leave of absence is not an entitlement to a number of days off per year. The purpose of leave of absence is to ensure that employees are able to manage particular circumstances that may occur in their lives where it is not possible to arrange these during school holiday periods and time off may be required. It is expected that requests will only be made for leave of absence in term time once all other possible alternatives have been considered.
- 1.2 The amount of leave of absence granted and reasons for doing so can differ from one employee to another. It is also important to bear in mind that entitlements must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences. An employee's attendance and disciplinary record may also be taken into consideration where appropriate.
- 1.3 All periods of leave of absence will be recorded and considered on a rolling 12-month basis.
- 1.4 Any employee who is suspected to have abused the provision for time off may be subject to disciplinary proceedings in line with the Trust's Disciplinary Procedure.
- 1.5 This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.
- 1.6 This policy has been implemented following consultation with staff and the recognised trade unions in February 2023.

2 Scope and purpose of this policy

- 2.1 The purpose of this policy is to ensure that employees within the Trust understand how requests for leave will be considered by the Head Teacher. It will also ensure that staff across the Trust are treated in a fair and consistent way when requesting time away from work.
- 2.2 The procedure applies to all employees regardless of length of service. It does not apply to agency workers.
- 2.3 This procedure is used to deal with requests for absence from work for the reasons contained within this policy. It does not cover requests for flexible working, maternity, paternity, parental or adoption leave. Information on these can be found in the relevant policy within the Trust.

3 Process for making requests

- 3.1 The Trust recognises that it may not always be possible to request certain types of leave in advance, for example, bereavement leave, compassionate leave and leave in emergency situations. Where it is not possible to request leave in advance employees should contact the Head Teacher as soon as possible to tell them the reason for the absence and the number of days leave that they anticipate being absent. The Head Teacher will then discuss the situation with you and agree next steps.
- 3.2 Employees should ensure that other than in emergency situations they make their request for leave in advance to enable the Trust to consider the request carefully and to ensure that cover can be implemented where required.

- 3.3 Employees should make a request by completing the Request for Leave of Absence Form at Appendix 1 and giving it to the Head Teacher. The form will be completed and returned to you when a decision has been made. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the Head Teacher. Where a request is refused, the form will include written reasons for the refusal and if you are dissatisfied with the decision, you may make a complaint under our Grievance Procedure.
- 3.4 Where it is possible to do so in advance or when you return to work after taking time off under this policy, we might ask you to provide evidence for your reasons for taking the time off.

4 Parental Bereavement Leave, other and compassionate leave

Parental Bereavement Leave

- 4.1 Up to 2 weeks parental bereavement leave (PBL) for parents, with parental responsibility, to help them cope with the death of a child under the age of 18 years will be granted. This includes birth parents, adoptive parents, individuals who are fostering to adopt, legal guardians, most foster parents, (excluding short term and emergency foster care), intended parents under a surrogacy arrangement, those who look after a child in their home other than a paid carer and have done so for at least 4 weeks and parents who suffer a still birth after 24 weeks or more into pregnancy. There is no minimum service requirement for eligibility to take this leave.
- 4.2 Parental bereavement leave will be granted as a single block of 2 weeks or 2 separate blocks of 1 week at different times. This leave must be taken within 56 weeks of the loss of the child
- 4.3 If parental bereavement leave is taken straight away and during the first 8 weeks after the child has died, there is no requirement to give advance notice of PBL. However, employees should make contact with the Trust to inform of the reason for their absence.
- 4.4 Any parental bereavement leave taken after the initial period will be subject to at least 1 weeks' notice to the employer.
- 4.5 Employees taking parental bereavement will be asked to produce a written declaration to confirm they are entitled to the leave.
- 4.6 Entitlement to maternity leave and pay is not affected if a child has died or been stillborn. Maternity leave can be taken in addition to parental bereavement leave.

Other bereavement leave and compassionate leave,

- 4.7 Up to 10 days paid bereavement leave may be granted to help employees cope with the death of a close relative (partner, parent, partners parent, sibling), to deal with necessary arrangements and attend their funeral.
- 4.8 Up to 3 days paid bereavement leave may be granted to help employees cope with the death of other close relatives (partners child not living in the same household, grandparent), to deal with necessary arrangements and attend their funeral.
- 4.9 Up to 1 day paid bereavement leave may be granted to help employees cope with the death of other relatives (cousins, aunts, uncles, and former partners), to deal with necessary arrangements and attend their funeral.
- 4.10 Up to 3 days paid compassionate leave may be granted to help employees where they need to deal with necessary arrangements for or assist a close relative who is

seriously or critically ill. This does not apply in the case of domestic emergencies, or where normal caring arrangements have been disrupted. We will consider compassionate leave for other traumatic events or difficult personal circumstances on an individual case by case basis.

- 4.11 Bereavement leave and compassionate leave may be granted in relation to a spouse, civil partner or partner, stepchild, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law. Children are covered separately in the parental bereavement section above. The Head Teacher may exercise their discretion in relation to any other relative or close friend, depending on the circumstances. When agreeing the amount of leave the Trust will take into account the circumstances and relationship of the employee to the deceased/seriously or critically ill person.

5 Dependants (Time off for)

- 5.1 The law recognises and we respect that there will be occasions when you will need to take time off work to deal with unexpected events involving one of your dependants. All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:

5.1.1 provide assistance when a dependant falls ill, gives birth, is injured or assaulted;

5.1.2 make longer-term care arrangements for a dependant who is ill or injured;

5.1.3 take action required in consequence of the death of a dependant;

5.1.4 deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or

5.1.5 deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

- 5.2 A dependant for the purposes of this policy is:

5.2.1 an employee's spouse, civil partner, parent or child;

5.2.2 a person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee; or

5.2.3 anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 5.1.

- 5.3 Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis and it is necessary to take action in relation to a dependent. This will depend on the nature of the problem, the closeness of the relationship between you, and whether someone else is available to assist. Reasonable time off will not normally be more than 1 or possibly 2 days and in most cases will be less than a day. However, we will always consider each set of circumstances on their facts.

- 5.4 If you know well in advance that a problem might arise or you wish to take time off to care for a dependant yourself, rather than make alternative arrangements, this policy will not apply. You should make other arrangements to deal with such situations.

- 5.5 You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell the Head Teacher:
- 5.5.1 the reason for your absence; and
 - 5.5.2 how long you expect to be away from work.
- 5.6 If you fail to notify us as required by paragraph 5.5, you may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

6 Domestic, Personal and Family Reasons

- 6.1 Up to 1 days paid leave of absence may be granted for domestic reasons (urgent or otherwise).
- 6.2 Leave to be granted under this provision may include the following, but the Head Teacher will consider each set of circumstances on the facts, including the nature of the request, the relationship of the employee to the person the request relates to where applicable and whether the event or incident is an exceptional circumstance that could not be arranged outside of normal working hours:
- 6.2.1 **Moving house**

Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to a day's leave may be granted by the Trust.
 - 6.2.2 **Wedding or civil partnership ceremony**

Employees should make their own wedding/civil partnership arrangements outside normal working days. Leave may be granted by the Trust to enable employees to attend a close relative's or close friend's wedding or civil partnership ceremony where this is held during normal working hours.
 - 6.2.3 **Other special events**

The Trust recognises that in exceptional circumstances there will be special events in an employee's family life that cannot be arranged outside normal working days e.g., graduation ceremonies, school productions, sports day. The Trust will consider requests for time off for these purposes.
 - 6.2.4 **Urgent domestic business**

This would enable school staff to deal with emergencies of a domestic nature e.g., flooding, structural damage, burglary etc.
- 6.3 Special absence for other personal or family reasons, e.g., to visit relatives who live abroad or to nurse a sick person may also be considered in exceptional circumstances [where the employee has a minimum of one year's service at the date of commencement of the leave]. A holiday will not be considered as an exceptional circumstance.
- 6.4 Plans or arrangements for the time off should not be made by the employee until they have received a decision in relation to their request and their request is granted, if appropriate.

7 Health and Welfare

- 7.1 Employees are expected to make routine medical appointments on their non-working days/outside working hours. Where it can be demonstrated that it is not possible to obtain appointments outside of working hours the Trust may grant [paid OR unpaid] time off for reasons of the personal health and welfare of an employee. For example, visits to a doctor, dentist, optician, clinic and hospital. The Trust will expect employees to provide evidence of their requirement to attend any medical appointments.
- 7.2 All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments are covered by this policy.
- 7.3 Employees who donate blood or other medical tissue are encouraged to do this outside of working hours. Where this is not possible requests for time off to attend these appointments will be considered under this policy.
- 7.4 Requests for time off for medical appointments in relation to adoption, pregnancy or a disability will be considered under [name of School/Academy/Trust policy that covers these circumstances].
- 7.5 Employees who are planning to undergo a course of fertility treatment or are planning to become a surrogate should discuss with the Head Teacher their treatment plan and requirements for time off. The Trust will consider these cases based on the individual circumstances.

8 Study and Examination Leave

- 8.1 Time off with pay in order to take relevant professional/other examinations as part of an approved course of study. If the examination is in the morning, the employee will be expected to either attend work in the afternoon and vice versa.
- 8.2 Revision leave may also be granted prior to such examinations. 1-day revision leave per 3-hour examination up to a maximum of 3 days. ½ day revision leave per examination of less than 3 hours up to a maximum of 1 ½ days.

9 Interviews

- 9.1 The Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant up to 2 days off for interviews with pay.
- 9.2 Employees must inform their Head Teacher of the time, date and duration of the interview as soon as they have this information so that the request can be considered promptly to avoid disappointment. The Trust can ask employees to provide evidence of interview.

10 Time off for public duties

- 10.1 The Trust supports employees to perform certain public duties that they may be committed to undertake and will give them time off to do so where it does not conflict with the operational needs of the Trust. The circumstances in which we are prepared to do so are set out below.

Jury service

- 10.2 Employees should tell the Head Teacher as soon as they are summoned for jury service and provide a copy of the summons if requested.
- 10.3 Depending on the demands of the Trust we may request that the employee applies to be excused from or have the jury service deferred.
- 10.4 The Trust is not required to pay employees while they are absent on jury service. You will be advised at court of the expenses and loss of earnings that you can claim. We pay basic pay to employees who are doing jury service [less any amounts you can claim from the court for lost earnings].

Voluntary public service

- 10.5 Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties. All employees may be granted up to 12 days' paid leave to perform voluntary public service duties. Any additional leave will be granted on an unpaid basis subject to the exercise of our discretion to grant further paid leave.
- 10.6 Public service duties include service as a:
 - 10.6.1 Tribunal member
 - 10.6.2 Magistrate
 - 10.6.3 Local councillor
 - 10.6.4 Member of an NHS Trust
 - 10.6.5 Prison visitor
 - 10.6.6 Lay visitor to police stations
- 10.7 Employees are entitled to a reasonable amount of unpaid time off work to carry out School / Academy / Trust governor duties. All employees may be granted up to 5 days' paid leave to perform educational board duties.
- 10.8 If you are unsure whether a public service that you perform is covered by this policy you should speak to the Head Teacher.
- 10.9 As soon as you are aware that you will require time off for performance of a public service you should notify the Head Teacher in writing, providing full details of the time off that is being requested and the reasons for your request.
- 10.10 The Trust will agree to requests for time off to undertake public duties wherever reasonably possible. If it is not possible to accept a request you will be given written reasons for our decision.
- 10.11 Each request for time off will be considered on its merits, in the circumstances in which it is made including:
 - 10.11.1 Whether the activity is reasonable in relation to your employment.
 - 10.11.2 How much time off is reasonably required for the duty in question.
 - 10.11.3 How much time off you have already taken for the public duty in question.

10.11.4 How your absence will affect the Trust.

Reserve forces duties

- 10.12 We are aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be used on full-time operations and will be expected to attend regular training.
- 10.13 Employees who need time off for reservist commitments are expected to use existing holiday entitlement. [In exceptional circumstances we may grant additional leave paid in order for these commitments to be met to a maximum of 20 days.]
- 10.14 Whilst we will do everything possible to meet your request for leave it may not always be possible for operational reasons. If we receive notice that you have been called-up there may be occasions when we need to apply to an adjudication officer for the notice to be deferred or revoked if your absence would cause serious harm to the Trust.
- 10.15 Once your military service has ended you may submit a written application for reinstatement to your employment. This should be made by the third Monday following the end of your military service and you should notify us of the date on which you will be available to restart work.
- 10.16 If it is not reasonable and practicable to reinstate you into your former employment we will offer you the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

11 Professional Examination Duties

- 11.1 The Trust will authorise leave for teachers to undertake professional duties in connection with GCSE, GCE A Level and other public examinations in line with the provisions of the Burgundy Book (Section 6). This also gives details of how the school may be reimbursed when a teacher has to be released.

12 Redundancy - support for job seeking

- 12.1 Employees who have been identified by the Trust as redundant will be allowed reasonable time off during working hours to support them with securing alternative employment or to arrange training for future employment. The amount of time-off is at the discretion of the Head Teacher. Each case will be considered on its merits.

13 Religious Festivals

- 13.1 Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to 1 days leave with pay.
- 13.2 Employees must inform the Head Teacher at the start of each academic year of any dates that they may need to request time off for. Where this is not possible employees should provide this information as soon as they are able to and no later than 10 working days before the date of the requested leave.

14 Time off for trade union duties and activities

- 14.1 The Trust wishes to support employees with time off for trade union activities.

- 14.2 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.
- 14.3 Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training.
- 14.4 Union members have a right to reasonable unpaid time off when taking part in trade union activities.
- 14.5 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:
- 14.5.1 the nature and timing of the request;
 - 14.5.2 the amount of time off previously granted or planned for the future;
 - 14.5.3 the number of representatives or members seeking time off within a given period; and
 - 14.5.4 the legitimate need of the union representative or union learning representative to discharge their functions.
- 14.6 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 Trust's grievance procedure.

Time off for union representatives - duties

- 14.7 Employees who are representatives of an independent trade union recognised by the Trust for collective bargaining are permitted reasonable paid time off to:
- 14.7.1 carry out their duties in connection with:
 - (a) negotiations in relation to collective bargaining
 - (b) the performance of other permitted functions related to collective bargaining;
 - (c) information and consultation over collective redundancies or TUPE transfers; and
 - (d) agreeing new terms for the workforce following a TUPE transfer in an insolvency situation;
 - 14.7.2 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;
 - 14.7.3 accompany a fellow worker to a disciplinary or grievance hearing.

Time off for union members - activities and learning

- 14.8 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

- 14.9 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

- 14.10 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.
- 14.11 The Head Teacher 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.
- 14.12 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 Head Teacher will look at each request and the circumstances before deciding what is reasonable.
- 14.13 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

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

15 Severe Weather and Disruptions to Public Transport

- 15.1 The Trust recognise that employees may face difficulties travelling to and from the workplace during severe weather conditions or when there are major disruptions to public transport (this is not in circumstances of a high volume of traffic or normal disruption to public transport). If your normal mode of transport cannot be used to get to work, you should explore alternative means of safe transport.
- 15.2 Although the Trust expect you to make a reasonable effort to attend work in all circumstances, it is not our intention for you to put yourself at unnecessary risk. However, at the same time we must also ensure that any disruption remains minimal.

- 15.3 Lateness
 - 15.3.1 If you realise that, due to severe weather conditions or disruptions to public transport, you are likely to be late for work, you must telephone the absence reporting line as soon as possible to explain the situation and give an estimate of when you expect to arrive at work.
 - 15.3.2 If the lateness amounts to half your normal working day or more, the arrangements set out below in relation to absence will apply.
- 15.4 Absence
 - 15.4.1 Where Head Teacher is satisfied that you have made every reasonable effort to attend work but have been unable to do so due to severe weather conditions or public transport disruptions, you will be required, if possible, to work remotely until the situation has improved.
- 15.5 Where it is not possible to accommodate a remote working arrangement, you will be entitled, in consultation with Head Teacher, to one of the following options:
 - 15.5.1 take the time as annual leave;
 - 15.5.2 make up any lost time at a later date; or
 - 15.5.3 take the day as unpaid leave.
- 15.6 Childcare provision (school or nursery) closures
 - 15.6.1 Where schools or nurseries close due to bad weather or public transport and you are unexpectedly required to provide or arrange care for a dependant, the Dependants (time off for) section will apply.
- 15.7 School closure
 - 15.7.1 The Head Teacher may decide to temporarily close the Trust in extreme cases of bad weather or disruptions to public transport. If this is necessary, we will inform you as soon as possible. You will be required to work remotely where it is possible to accommodate a remote working arrangement. You will be paid your normal pay during the period of closure.
- 15.8 Leaving work early
 - 15.8.1 The Head Teacher will decide on a case-by-case basis if, due to severe weather conditions or disruptions to public transport, it is appropriate for you to leave work early, taking into account your individual circumstances (for example, where you live and your mode of transport) and the needs of the organisation. In such cases you will be paid your normal pay.
 - 15.8.2 If you leave work early, you may be required to work remotely where this is possible.
- 15.9 Health and safety
 - 15.9.1 We have a duty to ensure the health, safety and welfare at work of all our employees. You also have a duty to take reasonable care for your own health and safety and that of any other person who may be affected

by your acts or omissions. This includes taking extra care when travelling to and from the work in severe weather conditions.

- 15.9.2 The Trust will undertake regular risk assessments to ensure employees working in these conditions are properly instructed, provided with the appropriate clothing and equipment, and given adequate rest breaks.

16 Retention and data protection

- 16.1 Through the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Distribution Policy and in line with the requirements of the Data Protection Legislation.

17 Review of policy

- 17.1 This policy is reviewed every 2 years by Trust [in consultation with the recognised trade unions]. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1

REQUEST FOR LEAVE OF ABSENCE

SECTION 1 - TO BE COMPLETED BY THE EMPLOYEE

NAME: _____

POST: _____

I request leave of absence on the following date(s)

For the following reason:

(If there is insufficient space please continue on the reverse)

SIGNED: _____ DATE: _____

When this section has been completed the form should be given to the Head Teacher/Principal. In the case of a Headteacher/ Principal the form should go to the CEO

SECTION 2 - TO BE COMPLETED BY THE RELEVANT PERSON

- i) This request for leave of absence is granted with pay
- ii) This request for leave of absence is granted without pay
- iii) This request for leave of absence has not been granted for the following reasons:

Number of days leave of absence already granted in the 12-month period _____

SIGNED: _____ DATE: _____

A copy of the completed form should be returned to the applicant