



Leave of Absence Policy

Effective from:

December 2025

Approved by:

People & Culture Committee

Responsibility:

Director of People and Organisational Development

Policy changes since the last review

- The need to raise a grievance if an individual disagrees with the decision has been replaced with the right to appeal the decision, to ensure this is done in a timely manner and doesn't become a lengthy grievance matter.
- A table has been added early in the policy, that sets out what types of leave are available, how many days are available and whether paid or unpaid.
- A table has been added that gives examples of when the type of leave should or should not be used.
- Bereavement Leave has been separated out and simplified to give some guidance as to what is paid whilst acknowledging the enormity of bereavement of the loss of a loved and giving Headteachers and SLT discretion where appropriate.
- The statutory obligation to provide leave to parents who lose a child is added to the policy.
- The statutory obligation to provide time off to care for dependants who have a long-term care need,



Review process:

This policy will be reviewed according to The Mercian Trust's Policy Schedule outlined in its Scheme of Delegation. If there are any changes in legislation or legal requirements, an earlier review will be conducted to ensure compliance and relevance.

1 INTRODUCTION

- 1.1 In most cases, 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.
- 1.3 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.
- 1.4 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.

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 or Senior Leader. 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 policy applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 2.3 This policy 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, family friendly leave such as maternity, paternity, parental, shared parental, neo-natal or adoption leave. Information on these can be found in the relevant policy within the Trust.

3 PROCESS FOR MAKING LEAVE OF ABSENCE 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 at least 7 days 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 appeal the decision, in writing to the Trust HR Team, within 5 days of being informed of the decision.
- 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 SUMMARY OF TYPES OF LEAVE AVAILABLE

4.1 The table below provides a summary of the most commonly used types of leave.

4.2 All periods of leave of absence will be recorded and considered on a rolling 12-month basis.

4.3 Where paid leave is indicated, this is paid at full pay.

4.4 More detailed guidance relating to each type of leave is provided in the sections below this table, including circumstances surrounding loss and bereavement, time off for public duties, time off for trade union duties and activities and where there is severe disruption due to weather or public transport services.

Leave Type	Paid	Max no. of days	Unpaid	Max no. of days
Dependant Leave	No	Not applicable	Yes	Headteacher /SLT discretion
Carer's Leave	No	Not applicable	Yes	1 Week (based on an employee normal working week)
Domestic, Personal and Family Reason	Yes	1 day	Yes	Headteacher /SLT discretion, usually no more than 1 – 2 occurrences per year
Health & Welfare	No, for routine medical appointments e.g. routine dental appointments.	Headteacher /SLT Discretion, for medical appointments that cannot be booked within working hours or rearranged at short notice.	No	Not applicable
Religious Festivals	Yes	1 day	No	Not applicable
Interviews	Yes	2 days	No	Not applicable
Exams/Study Leave	Only where stated in contract of employment or through a written training agreement.	Not applicable	No	Not applicable

5 EXAMPLES OF WHEN LEAVE OF ABSENCE SHOULD OR SHOULD NOT BE USED

Type of Leave	When it should be used	When it shouldn't be used

Dependant Leave	<p>Emergency situations when a child or someone who is dependant on you falls ill or has an accident or incident and needs immediate care and attention or collecting to/from school/work/hospital.</p> <p>To deal with any immediate disruption or breakdown to the existing care arrangements in place.</p> <p>To make arrangements for long-term care to be put in place, in the event of existing care arrangement breaking down or new arrangements being put into place.</p>	<p>To look after sick children or dependants for longer periods of time e.g. more than one day.</p> <p>To look after children or dependants on an ongoing and/or frequent basis.</p> <p>To undertake planned care of children or dependants.</p>
Carer's leave	<p>To look after dependants who have a long-term care need as that is a disability as defined under the Equality Act 2010, or if they are elderly.</p>	<p>For emergency care, use Dependant Leave would be more appropriate.</p>
Domestic, Personal or Family Reasons	<p>To attend a special event such as graduation ceremonies, school productions, sports days.</p> <p>To attend the wedding or civil partnership of a friend or family member.</p> <p>To move house, if this can't be arranged outside of working hours.</p> <p>An emergency situation such as flooding at home, burglary.</p>	<p>To look after children or dependants.</p> <p>To attend routine medical appointments either for self or with others.</p> <p>To attend urgent medical appointments for self or others. Use Health and Welfare leave for self and Dependant Leave for others, where the need is immediate and urgent.</p>
Health & Welfare	<p>Emergency dental appointment.</p> <p>Emergency medical appointment</p> <p>Hospital appointment that is set by the hospital and difficult to move, including any ongoing treatment or investigative procedures.</p>	<p>Routine dental check-ups or planned dental procedures.</p> <p>Eye check-ups.</p> <p>Planned doctors or medical appointments that can be made outside working hour.</p>

6 BEREAVEMENT LEAVE

- 6.1 The loss of a loved one is the most difficult time in anyone's life. The Trust wishes to support all employees during this time and understands that we all deal with grief differently and have different people in our lives, who are most important to us.
- 6.2 In such circumstances the Trust provides Headteachers and Senior Leaders with the ability to grant up to two weeks paid bereavement leave in any 12-month period. This is addition to the two weeks Statutory Parental Bereavement Leave, parents are entitled to if they lose a child. In addition, Headteachers and Senior have the discretion to agree additional bereavement leave (either paid or unpaid) as they feel appropriate.
- 6.3 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.
- 6.4 Any employee who has lost a loved one, will also be able to access external bereavement advice, support and counselling through the Trust's employee assistance programme.

7 COMPASSIONATE LEAVE

- 7.1 The Trusts understands that, there may be times where we all need to take some time away from work to deal with something difficult in our lives. This can be attending a funeral of someone we know, helping with funeral arrangements or supporting with other life events like spending time with a loved one or close relative who is ill or to support them when other traumatic events have taken place. In these circumstances employee can take up to 3 days paid compassionate leave in any 12-month rolling period.
- 7.2 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.

8 DEPENDANTS (TIME OFF FOR)

- 8.1 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:
 - 8.2.1 an employee's spouse, civil partner, parent or child;
 - 8.2.2 anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 8.1.
- 8.3 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 (see above). 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.
- 8.4 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.
- 8.5 You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell the Head Teacher:
 - 8.5.1 the reason for your absence; and
 - 8.5.2 how long you expect to be away from work.

8.6 If you fail to notify us as set out in Section 3, you may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

9 CARER'S LEAVE

9.1 We offer all employees who have a dependant with a long-term care need the right to take up to one week of unpaid leave in any 12-month period to provide or arrange care for that person. The right does not apply to workers, contractors, consultants or any self-employed individuals working for us.

9.2 A dependant is seen as having a **long-term care need** if they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months; if they have a disability for the purposes of the *Equality Act 2010*; or if they require care for a reason connected with their old age.

9.3 A week is your usual working week. Therefore, if you work five days a week, you will be entitled to take five days carer's leave every 12 months and if you work three days a week, you will be able to take three days carer's leave and so on. If your hours of work vary from week to week or over a longer period, we will calculate a week by adding up the total number of hours you have worked over the previous 12 months and dividing that by 52 or however many weeks you have worked if less than 52 weeks.

9.4 If you care for more than one person, you can only take one week's leave in total. You are not entitled to take a week's leave for each dependant.

9.5 You do not need to take your week of annual entitlement all in one go. You are able to take several shorter periods of leave (as long as they are no shorter than half a day on any occasion).

9.6 You need to tell us in writing if you wish to take Carer's Leave. Your notice should confirm that you have a dependant with a long-term care need. It should also set out whether you have taken any other period of Carer's Leave in the previous 12 months. You must give at least twice the amount of notice than the period of leave requested or, if longer, three days' notice.

9.7 We will always try to accommodate your request, but we may have to rearrange your dates if your absence would unduly disrupt our business by, for example, leaving us short-staffed. If your leave has to be postponed, we will tell you why in writing before the leave is due to begin. We will, in discussion with you, make arrangements to reschedule the leave so that it can be taken within one month of the start date of the leave originally requested.

9.8 You can cancel carer's leave and take it at a different time as long as you let the Head Teacher know as soon as possible. You cannot cancel any leave that has already begun.

10 HEALTH AND WELFARE

10.1 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. The Trust will expect employees to provide evidence of their requirement to attend any medical appointments.

10.2 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.

11 RELIGIOUS FESTIVALS

11.1 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.

11.2 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.

12 STUDY AND EXAMINATION LEAVE

12.1 Time off with pay in order to take relevant professional/other examinations as part of an approved course of study will be granted only where this forms part of the employee contract e.g. an apprenticeship. If the examination is in the morning, the employee will be expected to either attend work in the afternoon and vice versa.

12.2 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. $\frac{1}{2}$ day revision leave per examination of less than 3 hours up to a maximum of $1\frac{1}{2}$ days.

13 INTERVIEWS

13.1 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.

13.2 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.

14 TIME OFF FOR PUBLIC DUTIES

14.1 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

14.2 Employees should tell the Head Teacher as soon as they are summoned for jury service and provide a copy of the summons if requested.

14.3 Depending on the demands of the Trust we may request that the employee applies to be excused from or have the jury service deferred.

14.4 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

14.5 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.

14.6 Public service duties include service as a:

- 14.6.1 Tribunal member
- 14.6.2 Magistrate
- 14.6.3 Local councillor

- 14.6.4 Member of an NHS Trust
- 14.6.5 Prison visitor
- 14.6.6 Lay visitor to police stations
- 14.7 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.
- 14.8 If you are unsure whether a public service that you perform is covered by this policy you should speak to the Head Teacher.
- 14.9 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.
- 14.10 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.
- 14.11 Each request for time off will be considered on its merits, in the circumstances in which it is made including:
 - 14.11.1 Whether the activity is reasonable in relation to your employment.
 - 14.11.2 How much time off is reasonably required for the duty in question.
 - 14.11.3 How much time off you have already taken for the public duty in question.
 - 14.11.4 How your absence will affect the Trust.

Reserve forces duties

- 14.12 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.
- 14.13 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.
- 14.14 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.
- 14.15 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.
- 14.16 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.

15 PROFESSIONAL EXAMINATION DUTIES

- 15.1 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.

16 TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES

- 16.1 The Trust wishes to support employees with time off for trade union activities.
- 16.2 Trade Union Workplace Representatives (which also includes Trade Union Health & Safety 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.
- 16.3 Trade Union Workplace Representatives have a right to reasonable paid time off to perform their duties and undergo training.
- 16.4 Union members have a right to reasonable unpaid time off when taking part in trade union activities.
- 16.5 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:
 - 16.5.1 the nature and timing of the request;
 - 16.5.2 the amount of time off previously granted or planned for the future;
 - 16.5.3 the number of representatives or members seeking time off within a given period; and
 - 16.5.4 the legitimate need of the Trade Union Workplace Representative to discharge their functions.
- 16.6 If a Trade Union Workplace Representative 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

- 16.7 Employees who are representatives of an independent trade union recognised by the Trust for collective bargaining are permitted reasonable paid time off to:
 - 16.7.1 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;
 - 16.7.2 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;
 - 16.7.3 accompany a fellow worker to a disciplinary or grievance hearing.

Time off for union members - activities and learning

16.8 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 Trade Union Workplace Representatives

16.9 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 Workplace representatives

16.10 Employees that are Trade Union Workplace representatives or trade union learning representatives should ensure that their trade union has provided written confirmation of this to the Trust.

16.11 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.

16.12 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.

16.13 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

16.14 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.

16.15 For the avoidance of doubt, you will not be paid for trade union duties carried out outside of working hours.

17 SEVERE WEATHER AND DISRUPTIONS TO PUBLIC TRANSPORT

17.1 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.

17.2 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.

17.3 Lateness

- 17.3.1 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.
- 17.3.2 If the lateness amounts to half your normal working day or more, the arrangements set out below in relation to absence will apply.

17.4 Absence

- 17.4.1 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.
- 17.5 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:
 - 17.5.1 take the time as annual leave;
 - 17.5.2 make up any lost time at a later date; or
 - 17.5.3 take the day as unpaid leave.
- 17.6 Childcare provision (school or nursery) closures
 - 17.6.1 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.
- 17.7 School closure
 - 17.7.1 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.

17.8 Leaving work early

- 17.8.1 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.
- 17.8.2 If you leave work early, you may be required to work remotely where this is possible.

17.9 Health and safety

- 17.9.1 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.

17.9.2 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.

18 RETENTION AND DATA PROTECTION

18.1 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.

19 REVIEW OF POLICY

19.1 This policy is reviewed every 2 years by Trust 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/SLT. In the case of a Headteacher/ Principal / SLT 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.

In the case of unpaid leave, this should be notified to payroll using the Payroll Changes Form.