



LEAVE OF ABSENCE POLICY

This Policy has been approved and adopted by Blessed Christopher Wharton Catholic Academy Trust.

Document Details

Blessed Christopher Wharton Catholic Academy Trust (BCWCAT) has adopted the PACT HR recommended model procedure as agreed by the following Trade Unions;

- Unison
- GMB
- NASUWT
- NEU
- NAHT

**ASCL recognises that meaningful consultation took place prior to the adoption and implementation of this policy.*

Approved by: Finance, Resources and Audit Committee

Approved on: 19/10/2021

Reviewer: Finance, Resources and Audit Committee

To be reviewed on: 01/09/2024

NB. This policy/guidance will be retained for a period of 7 years from replacement.

Summary of Key Changes

- i. Reference to the impact of extraneous circumstances outside of the employer's control to the taking of leave added to 'Deciding on Leave of Absence Requests'.

Terminology

Within the following document, the terms below represent the following;

The Board:	The Board of Trustees
Senior Leader:	Chief Executive Officer
Chair:	Chair of the Board of Trustees
Member:	Trustee

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Policy Statement

The Board regards the excellent attendance of both pupils and staff as integral to the success of the Trust's and recognises that the effectiveness of the Trust depends on the commitment of all staff. We also acknowledge that a fair and balanced policy on leave of absence and time off work contributes to the maintenance of staff morale and thereby to the success of the Trust.

The Board recognises that absence from duty by staff may be unavoidably required for a wide variety of reasons including compassionate grounds, jury service or for other family, personal, religious and/or professional reasons.

High levels of absence among teaching and support staff can pose a serious problem for the Trust in terms of disruption to teaching programmes, pupils' learning and other areas of work. Absence of any staff employed during term time means some impact on the children's education. Therefore, requests from any member of staff to be taken during term time must be regarded by all as the exception. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays during term time will not be granted.

Other than in exceptional circumstances or on compassionate grounds, leave of absence will not normally be approved in term time except as covered in conditions of service agreements or statute, Appendix 1.

The Board will observe the relevant conditions of service agreements and its statutory obligations regarding leave of absence.

Procedure for Considering Requests for Planned Leave of Absence

Requesting Leave of Absence

- 1.1 Requests for planned leave of absence should be made in writing using a "Leave of Absence Request Form". This should be submitted to the Senior Leader, and should include the full reasons for the request, making it clear why the leave cannot be taken during a normal school closure period, and stating the dates and length of the period of leave of absence requested.
- 1.2 The same process will be used by the Senior Leader except that the request should be submitted to the Chair of the Board.
- 1.3 The request should be made with as much notice as possible so that proper consideration can be given to the request and to enable appropriate cover to be arranged in the event of the absence being approved. Other than in cases of emergency, a minimum of two weeks' notice should be given for any requests for leave of absence for periods of up to five working days, and for longer periods a period of notice (excluding the summer break) equivalent to twice the length of the period of leave being requested. Prior notice of more than three months is not required but would be helpful for planning purposes.
- 1.4 Staff should not under any circumstances make arrangements (bookings, flights etc.) until approval for the absence has been given.**

Deciding on Leave of Absence Requests

- 1.5 Requests for leave of absence will be considered taking into account
 - The principles of this policy
 - The best interests of the pupils and the Trust
 - Treating staff in a fair, reasonable and consistent way
 - National and local terms and conditions of employment
- 1.6 The Senior Leader shall normally decide on requests for discretionary Leave of Absence on a paid or an unpaid basis, having regard to the relevant conditions of service and this policy. In the case of extended leave and other exceptional circumstances a sub-committee of the Board will make the decision.

- 1.7 The Senior Leader will approve all requests for non-discretionary absence (e.g. Jury Service, paternity leave etc.) in accordance with legislative and conditions of service requirements, and irrespective of the length of the absence. Where a non-discretionary absence amounts to more than five days the Senior Leader will inform the Chair of the Board of the length of the absence and the reason for it.
- 1.8 The Chair of the Board/Sub-committee will decide on all requests for leave of absence made by the Senior Leader.
- 1.9 In the event of any extraneous circumstances impacting on either staff ability to take leave or to return to work as planned when the period of absence ends (e.g. travel restrictions, public health concerns), an agreeable resolution will ideally be identified prior to the leave due to be taken; however, if this is not possible, this will be done on the staff member's immediate return. The Board Members will be mindful of the advice and guidance applicable at that time and retain their discretion to exercise their judgement appropriately.
- 1.10 All decisions will be confirmed in writing. In the case of refusal, reasons will be given.

Unpaid Leave

- 1.11 The methods to be used for the calculation of adjustments to pay during periods of leave of absence without pay are contained in the relevant conditions of service, applying to teachers (STPCD) and other staff (Conditions of service).
- 1.12 Employees are not covered by the sickness absence scheme whilst on unpaid leave and therefore, are not entitled to receive occupational sick pay. Employees may be entitled to Statutory Sick Pay (SSP) and so should submit any medical certificates direct to the Payroll Team.

Unauthorised Leave of Absence

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

without leave this will be dealt with in line with the Absence Without Leave Policy and Procedure.

Guidance on Contractual and Statutory Entitlements to Leave of Absence

Time Off to Accompany a Colleague to a Discipline, Grievance or Flexible Working Hearing (Employment Rights Act 1999)

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

Time Off for Job Hunting or to Arrange Training When Facing Redundancy (Employment Rights Act 1996)

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

Time Off for Trade Union Duties (including Union Learning Representatives) and for Safety Representatives (Employment Act 2002)

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

Time Off for Occupational Pension Scheme Trustees and Directors of Trustee Companies (Employment Rights Act 1996)

- 2.4 Employees who are trustees of an occupational pension scheme or directors of Trustee companies are entitled to reasonable time off with pay to carry out any of their trustees' duties or to be trained for those duties.

Study Leave and Attendance for Examinations (Discretionary and Non-Discretionary) (see relevant conditions of service)

- 2.5 For courses of training and study that are not directly related to the employee's job, or have not been specifically approved by the Board Members, leave may be granted at the Trust's discretion with or without pay.
- 2.6 For courses of training and study approved by the Board Members leave with pay will be granted as necessary. Conditions of Service for Support staff additionally allow half a day's leave to prepare for each examination. Any leave agreed to prepare for examinations will be approved subject to any practical and organisational constraints affecting the school.

Severe Weather Conditions

- 2.7 There may be circumstances when the employee is unable to attend work due to severe weather, but the Trust remains open as usual. All reasonable efforts should be made to attend work. Alternative arrangements may be agreed with the Senior Leader, e.g. working from home or at a different location. Where this is not possible, non-attendance will normally be treated as unpaid leave, but exceptional circumstances may warrant paid leave.

Attendance at Court Proceedings

- 2.8 (see Juries Act 1974 and relevant conditions of service)

Jury Service

- 2.9 Employees will continue to receive their normal pay whilst undertaking jury service but they must claim the allowance for loss of earnings to which they are entitled under the appropriate regulations currently in force. The amount of allowance received (less any personal expenses) will then be deducted from the employee's pay.

Witness Summonses and Subpoenas

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

Time off for Medical Appointments (see relevant conditions of service)

- 2.11 Where possible, employees are expected to make appointments out of work time or as close to the start or end of the school day as possible. Routine GP or Dentist appointments will be unpaid; any time off for hospital

appointments and blood donor sessions will be paid. All time off for appointments should be requested as far in advance as possible. An appointment letter/card or some other document showing that an appointment has been made should be shown to the Senior Leader.

- 2.12 N.B Employees covered by the Equality Act 2010 do not have a specific right to take reasonable time off to attend medical appointments, however employers have a duty to make reasonable adjustments where appropriate, which can include appropriate time off to attend medical appointments. What is reasonable for the employer to do will depend on the circumstances of the particular case. Please contact your HR Business Partner for more specific advice.

Time off for Dependants (Employment Rights Act 1996, as amended by the Employment Relations Act 1999)

- 2.13 Employees have a right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. The emergency must involve a dependant of the employee. According to the regulations, a dependant is:
- the employee's spouse or civil partner
 - the employee's parent
 - the employee's child
 - a person who lives in the employee's household excluding tenants, lodgers and employees
- 2.14 In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only one who can help in an emergency; for example, an aunt who lives nearby who the employee looks after outside work falls ill unexpectedly, or an elderly neighbour living alone who falls and breaks a leg, where the employee is closest on hand at the time of the fall.
- 2.15 The right to time off does not extend to time off for domestic emergencies such as a breakdown of a heating boiler and unpaid time off for incidents of this kind is at the Senior Leader's discretion.
- 2.16 The regulations do not give the right to paid time off for dependants. However, Teachers' conditions of service provide for up to two days' discretionary paid leave to care for members of the immediate family in the

case of sickness. Before requesting such leave staff are asked to consider whether there are any alternatives to taking time off work, including whether the need for time off to care for children is being fairly shared by any partner.

- 2.17 The conditions of service (Green/Blue Book) for support staff do not provide for paid time off to care for members of the immediate family in the case of sickness.

Time off for Religious Observance (see also Teachers' Conditions of Service and Code of Practice on Religious and Cultural Needs 1996)

- 2.18 The Board follows the LA's recommendation that teachers and support staff on term time contracts may take up to three days leave with pay for this purpose in each academic year. This is a special arrangement for those staff who do not have a holiday entitlement other than during the school closure periods. The days can be taken only for the purpose of attendance at a religious ceremony or for observation of a religious festival which the member of staff is under a moral obligation to attend or observe by reason of their membership of, or office in, a church or religious order.
- 2.19 The Council's arrangements do not provide for paid time off to prepare for festivities or days which may be used as family celebrations which are not the specified dates for the religious event.
- 2.20 If the religious ceremony or festival falls at a weekend the time off is not transferable to the following working day.
- 2.21 Staff who are on all year round contracts must use their normal holiday entitlement for the purpose of religious observance.
- 2.22 Staff requesting extended leave for Hajj or other substantial religious leave are encouraged to refer to the Equality, Diversity & Inclusion Policy.
- 2.23 Time off for Public Duties and Activities (Employment Rights Act 1996 and relevant Conditions of Service)
- 2.24 Subject to the needs of the Trust, employees are entitled to reasonable time off in order to carry out public duties and activities.
- 2.25 for Teachers, the time off is on a paid basis to a maximum of 20 days or 40 half days (some re-imburement is available from the LA).

- 2.26 Full time support staff are entitled to 208 hours (approximately 28 days) paid leave for public duties each financial year, with entitlement for part-timers being pro-rata.

Bereavement Leave (see relevant Conditions of Service)

- 2.27 All requests for bereavement leave will be treated sympathetically and, although granted at the discretion of the Senior Leader or Chair of the Board, will not normally be refused without good reason.
- 2.28 Teachers are allowed up to two days with pay for immediate family (with extra travelling time of up to three days if necessary) see Appendix 2.
- 2.29 Support staff are allowed up to five days with pay.
- 2.30 For all staff the leave need not be taken continuously and can be taken in accordance with the practical needs and circumstances of each case.

Time Off to Visit Relatives Abroad – Extended Leave

- 2.31 It is recognised that some employees have close relatives abroad whom they may wish to visit for an extended period. In such circumstances, an employee may apply to take an extended period of leave. Any and all requests for leave, whether paid or unpaid, will be considered taking into account both the needs of the staff member and the needs of the Trust. Staff are requested to arrange any extended leave to coincide with the main periods of school closure. If the period of leave would cause particular difficulty for the school, the request may be refused or the staff member asked to reconsider the period for which leave has been requested.
- 2.32 Support staff on all year round contracts may accumulate leave for the purpose of extended absence (see conditions of service).
- 2.33 It is the policy of the Board that permission to take extended leave to visit relatives abroad would not normally be granted more frequently than once in every five academic years although compassionate grounds will be taken into account.
- 2.34 Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action in line with the school's Absence Without Leave Policy.

Secondments, Extended Leave of Absence, Career Breaks and Extended Study Leave

- 2.35 In the event that a member of staff requests an extended period of unpaid leave, the Sub-Committee will consider the request taking into account any financial, organisational or educational effects on the Trust, and the circumstances and reasons given by the individual.
- 2.36 The Board will not normally approve absences of more than two years in length and may require that the dates of commencement and ending are consistent with the practicalities of recruiting temporary cover staff.

Right to Request Training (Section 63D of the Employment Rights Act 1996)

- 2.37 Employees with at least 26 weeks' service on the date that they make their request have a statutory right to request time off to train. If the employer accepts the request for time off for training (either in full or part), there is no duty to pay the employee for the time they are absent from work to undertake the training and no duty to meet the cost of the training or qualification.

Appendix 1

Leave of Absence Schedule

The Trust has determined that Leave of Absence allowances should be equitable across all staff so the following table incorporates the higher allowance for both Teachers and Support Staff.

	Reason for Absence	Maximum period of absence (school days)	With or Without Pay
1.	Death of member of immediate family (defined below)	Up to 5 days	With Pay
2.	Wedding of any member of immediate family* OR	1 day	With Pay
3.	Wedding of member of family (other than immediate family)	1 day	Without Pay
4.	Holiday of wife, husband or child	10 days	Without Pay
5.	Jury Service	As long as necessary (employee must claim from court)	With Pay
6.	Attendance at Interviews – Schools, Colleges and Universities	As necessary	With Pay
7.	Attendance at Interviews – Other	As necessary	Without Pay
8.	Attendance at meetings of Examiners for GCSE or other approved examinations.	As necessary	With Pay
9.	Attendance at courses (and for examination study and for examination approved by the Governing Body).	As necessary	With Pay
10.	Other examination leave and study where not directly related to the role.	Head Teachers recommendation	With or Without Pay

11.	Attendance at annual camps as volunteer member of TAVR and the like where this is clearly unavoidable.	Up to 5 days And Remainder	With Pay and Without Pay
12.	Attendance at a religious ceremony or observation of religious festival which the teacher is under a moral obligation to attend or observe by reason of membership of, or office in, a church or religious order.	Up to 3 days per year	With Pay
13.	House Move by staff member joining the Trust.	1 day and up to a further 2 days for travelling at the discretion of the Head Teacher.	With Pay
14.	House move by staff member moving house within the district.	1 day	With Pay
15.	Representatives of trade unions attending annual conferences and taking part in formal consultations with representatives of this Authority or at national or provincial level.	Reasonable time off	With Pay
16.	Illness of member of immediate family	2 days (also see dependants/ parental leave)	With Pay
17.	Hospital attendance of self And Of immediate member of family with the exception of grandparents and grandchildren.	1 day And 1 day	With Pay
18.	Attendance at University Graduation Ceremony etc. where self or member of immediate family is receiving a degree, diploma or certificate.	1 day	With pay

19.	Other urgent or private family business	Up to 1 day	Without pay
20.	Attendance of husband at the birth of his child NOTE: This leave is only applicable to a member of staff who does not qualify for paternity leave.	Up to 2 days at the discretion of the Head Teacher	With Pay

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

Wife	Father	Mother in law	Partner
Husband	Brother	Father in law	Stepfather
Son	Sister	Grandmother	Stepmother
Daughter	Guardian	Grandfather	Stepbrother
Mother	Ward	Grandchild	Stepsister
			Stepchildren

* EXCEPT for "Wedding of any member of immediate family" where immediate family does not include: Self, Grandparents, Parents in Law and Grandchildren.

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