



# [Academy Name]

## Policy for Discretionary Leave of Absence

<b>Policy Type:</b>	Trust Core Policy
<b>Approved By:</b>	St Benet's MAT Board of Trustees
<b>Approval Date:</b>	07/02/2022
<b>Date Adopted by LGB:</b>	dd/mm/yyyy
<b>Review Date:</b>	February 2025
<b>Person Responsible:</b>	Chief Executive Officer

## Summary of Changes

The model policy has been revised to reflect these changes to the statutory guidance as outlined below.

<b>Page Ref.</b>	<b>Section</b>	<b>Amendment</b>	<b>Date of Change</b>
8	7	Inclusion of IVF Leave of absence and Appendix 2 request for IVF Leave of absence	April 17
4	2.1	HT/Principal leave of absence to go to AGEP	Sept 18
6	3.2.2	Clarification of witness not representing the academy	Sept 18
7	4.1	Update list of Public Services	Sept 18
5	3.1	Discretionary Leave of Absence – Covid Related Care of Dependency Leave	Nov 21
5	3.1	Discretionary Leave of Absence – Covid Related Care of Dependency Leave removed from 31.12.2021	Jan 22

## Roles and responsibilities

The St Benet's MAT is accountable for all policies across its Academies. All policies whether relating to an individual academy or the whole Trust will be written and implemented in line with our ethos and values as articulated in our prospectus. We are committed to the provision of high quality education in the context of the Christian values of service, thankfulness and humility where individuals are valued, aspirations are high, hope is nurtured and talents released.

A Scheme of Delegation for each academy sets out the responsibilities of the Local Governing Body and Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Academy Trust.

All employees of the Academy Trust are subject to the Trust's policies.

### 1. Introduction.

- 1.1 The Trustees of the St Benet's MAT and the Local Governing Body recognises that the success of **Academy name** depends upon the contribution of all staff and gives full acknowledgement that a fair and effective policy on Discretionary Leave of Absence contributes to the maintenance of staff morale and thereby our success.
- 1.2 This policy sets out the Discretionary Leave of Absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the **Academy name** are the priority and therefore there will be times when the Headteacher/Principal or line manager has to refuse a request for leave. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy the Headteacher/Principal has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
- 1.3 This policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency.
- 1.4 The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If you need clarification on whether the leave of absence that you want to take is statutory or discretionary then you must speak to your Headteacher/Principal.
- 1.5 This policy does not cover leave which is included in the policies and procedures listed below:
  - Annual leave
  - Maternity/Paternity/Parental/adoption leave
  - Flexible working
  - Sickness absence
  - Redundancy
  - Training and Study leave
  - Trade Union and Facilities time
- 1.6 This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

## 2. Procedure and Decision Making

- 2.1 Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher/Principal or line manager as soon as the need for the leave is known using the form at Appendix 1.
- 2.2 Requests for leave of absence and approval/refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil/student educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1.
- 2.3 Where an **emergency** arises you must notify (*insert job title*) by telephone call (ideally not a voicemail message) and later confirm in writing (usually an email or text) as soon as is reasonably practicable, giving the reason for the absence and how long you expect to be absent from work to deal personally with the emergency which cannot be dealt with by anyone else.
- 2.4 Where a leave of absence request is refused there is right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision ensuring Part 3 is completed. The appeal will be considered the Headteacher/Principal (where the line manager refused the request) or a panel of 3 governors (where the Headteacher/Principal refused the request) and their decision is final.
- 2.5 A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service and options for making up lost contributions.
- 2.6 If it is believed that an employee is abusing the right to time off the matter should be addressed through the Trust's Disciplinary Policy.

### 3. Discretionary Leave of Absence

3.1 The line manager should consider each case of discretionary leave on its merits and seek advice from the Trust's HR Manager, Jo Leach and / or St Benet's MAT, if necessary. Examples of discretionary time off work that may be granted with pay:

Summary non exhaustive examples of leave normally granted with pay	Days Per rolling 12 month period
<u>compassionate leave</u> illness or injury of a significant other person giving rise to serious domestic difficulties	period reasonably necessary but not normally more than 3 days.
<u>bereavement leave</u> death (including funeral) of a significant other person	period reasonably necessary but not normally more than 5 days
moving house where it cannot be arranged for a non-working time	1 day
<u>personal events or emergencies</u> i.e. an event which, if response were to be delayed, would result in significant personal loss to the employee such as fire or flood	1 day
<u>accepted impossible</u> travel because of weather or other public crisis.	period reasonably necessary but not normally more than 2 days
interviews for jobs in the education service	period reasonably necessary
<u>dependant care leave</u> . employees may only take <b>paid</b> time off to provide personal care for a dependant where there is an immediate crisis.  (there is a statutory right to take <b>unpaid</b> leave see 6.1below)	In normal circumstances not more than 1day on each occasion. Up to 3 days.
<u>Covid Related Care of Dependency Leave</u> – employees can request discretionary paid leave if they have a dependent who has tested positive for Covid and they have to stay at home to care for them.  The dependent must be close family and living at the same address as the employee.  Where possible all individuals should be encouraged to work from home.	6 days discretionary leave can be granted by the Head Teacher, with an additional 2 days. All requests must be forwarded to HR before discretionary leave agreed.  Employees can request Covid related care of Dependency Leave on more than one occasion.  Employees must complete a Leave of Absence Request Form.  To be reviewed 31 <sup>st</sup> December 2021.  Reviewed and removed from the policy 31.12.2021

#### 3.1.2 Medical appointments:

Upon production of a medical appointment letter/card paid leave may be granted to attend an appointment at hospital (to include medical screening and blood donation) where it has proved impractical to attend outside normal working hours. You should liaise with your Headteacher/Principal to agree a mutually convenient time so that the

operational requirements of the academy are met and then request leave from the Headteacher/Principal using the form at Appendix 1.

### 3.2 Examples of discretionary leave that may be granted without pay:

<b>Summary non exhaustive examples of absence normally granted without pay</b>	<b>Days Per Annum - All Staff</b>
Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions.	maximum of 3 days
Attendance as witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as witness not representing the academy	period of attendance necessary.
Leave of absence for religious observance	reasonable time off

#### 3.2.2 Attendance in court as a witness

If you are subpoenaed or summonsed to attend a Court (including an Employment Tribunal), as a witness and you are not representing the academy then, on production of proof of required attendance, you must request leave from the Headteacher/Principal using the form at Appendix 1 and consideration will be given as to whether the leave is paid or unpaid to attend.

If you wish to attend Court as a witness on a voluntary basis then you should request leave of absence from the Headteacher/Principal as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case by case basis.

#### 3.2.3 Leave of absence for religious observance

You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the [insert Academy Name] pupils and surrounding circumstances. You should request time off at the beginning of the Academy year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

## 4 Statutory Leave of Absence for Public Duties

- 4.1 Employees are entitled to a reasonable amount of **unpaid** time off work by law to carry out certain public duties. Public duties include service as a:
- Tribunal member
  - Magistrate
  - Local councillor
  - Member of an NHS Trust
  - Prison visitor
  - Lay visitor to police stations
  - School governor
  - Lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody;
  - Members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate;
  - Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports; and
  - Independent prison monitors in Scotland appointed under section 7B(2) of the Prisons (Scotland) Act 1991.
- 4.2 As soon as you are aware that you will require time off for performance of a public service you should request leave of absence from the Headteacher/Principal using the form at Appendix 1.
- 4.3 The Academy will agree to requests for **paid** time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy.
- 4.4 Each request for time off will be considered on its merits, in the circumstances in which it is made including:
- Whether the activity is reasonable in relation to your employment
  - How much time off is reasonably required for the duty in question
  - How much time off you have already taken for the public duty in question
  - How your absence will affect the **Academy Name**

## 5. Jury Service

- 5.1 You must inform Headteacher/Principal as soon as you are summonsed for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange or cancel the dates of service.
- 5.2 Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.
- 5.3 Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice

MUST be forwarded to [Named academy office/business manager] within 3 days of your return to work.

- 5.4 Your salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An Employee cannot be paid twice by the Court and the Academy name for the same days.
- 5.5 Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your Headteacher/Principal regularly informed about how long you are likely to be away from work.
- 5.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

## 6. Statutory Dependent Care Leave

- 6.1 Employees have a right to take a reasonable amount of **unpaid** time off work when it is necessary to:
  - (a) provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
  - (b) make longer-term care arrangements for a dependant who is ill or injured;
  - (c) take action required in consequence of the death of a dependant;
  - (d) deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or
  - (e) deal with an unexpected incident involving their child during school hours (or those of another educational establishment).
- 6.2 A **dependant** for the purposes of this paragraph 6.1 is:
  - (a) an employee's spouse, civil partner, parent or child;
  - (b) a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
  - (c) anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.



## **7 FERTILITY TREATMENT LEAVE**

### **1 INTRODUCTION**

This guidance is for both managers and staff who are undertaking IVF treatment or have a partner who is receiving treatment.

1.1 It outlines the procedure to be followed when a member of staff requests leave to attend appointments for treatment and how to apply for fertility treatment leave.

1.2 At all times managers will be expected to treat the matter with sensitivity and with the appropriate level of confidentiality.

### **2. ELIGIBILITY**

2.1 An employee who has 12 months continuous service with the Trust at the time of applying and who is undergoing fertility treatment may be granted fertility treatment leave.

2.2 Employees are asked, wherever possible, to arrange appointments outside of work, however where this is not possible, an employee may be granted up to 5 working days of paid fertility leave in the 12 months immediately preceding that date in order to undertake fertility treatment and attend appointments specifically associated with the 'end part' of the IVF process. (i.e. pre-booked interventions for consultant appointments, collection and delivery of eggs etc.)

2.3 The fertility treatment paid leave can be taken to suit the member of staff's needs, e.g. 5 days in one block, separate days or ½ days.

2.4 If an employee should require any additional time off, then alternative leave arrangements should be agreed with their line manager to include annual leave or unpaid leave.

### **3. PARTNER ELIGIBILITY**

3.1 If it is an essential requirement within the course of treatment for the partner to attend a specific appointment, the Trust will also allow up to 2 days of fertility treatment leave in the 12 months preceding that date to undertake fertility treatment.

3.2 The fertility treatment paid leave can be taken to suit the member of staff's needs, e.g. 2 days in one block, separate days or ½ days.

3.3 Where partners are not receiving treatment but would like to attend appointments with their partner they would be expected to take annual leave or unpaid leave.

### **4. APPLICATION FOR LEAVE**

4.1 Employees should advise their manager as soon as possible that they are undergoing treatment and wish to apply for fertility treatment leave.

4.2 Employees should provide documentary evidence of all appointments (letter or appointment card)

4.3 Employees should try and arrange for appointments that will cause minimum amount of inconvenience to the service.

4.4 Employees should complete the fertility treatment leave form (Appendix 10) and should meet with their manager to inform them of the appointment and acquire authorisation.

4.5 The form should then be placed on the employee's personnel file.

## **5. SICKNESS AS RESULT OF TREATMENT**

Should the employee require time off due to side effects of the treatment, which may include recommended periods of rest, this will be recorded in line with Trust's sickness absence procedure. (see the Sickness Absence Policy).



**APPENDIX 1**

**LEAVE OF ABSENCE REQUEST**

**Part 1**

Name:	
Job title:	

Date/ time from:	Date/time to:
I have read and understood the discretionary leave policy. Please attach a copy of any relevant appointment card. Reason for request:	
<p><i>I understand and accept that if leave of absence is granted without pay it will affect my pension entitlement.</i></p> <p>Signed _____ Date _____</p>	

**LEAVE OF ABSENCE DECISION**

**Part 2**

Your request for leave is:	
Approved with pay: <input type="checkbox"/>	Time to be made up: Yes <input type="checkbox"/> No <input type="checkbox"/>
Approved without pay: <input type="checkbox"/>	
Not approved for the following reasons:	
<input type="checkbox"/>	Operational difficulties in covering absence
<input type="checkbox"/>	Loss of entitlement/continuity of educational provision for pupils/students
<input type="checkbox"/>	Leave of absence limits already reached
<input type="checkbox"/>	

The request is outside the policy framework

Other. Explanation of reason(s) for non-approval:

Signed:

Date:

Job title:

**Part 3**

**APPEAL AGAINST LEAVE OF ABSENCE DECISION**

If you wish to appeal against a refusal to grant discretionary leave of absence then you must explain your reasons below and return this form to the Headteacher/Principal within 5 days of the date of the decision as recorded above. Your appeal will be heard by a panel of three governors.

Signed:

Date:

**Appendix 2**

**APPLICATION FOR FERTILITY TREATMENT LEAVE**

**Applicants: Once you have completed this form inserting the appropriate dates, sign overleaf and pass to your manager for authorisation of leave.**

**Personal Details**

**Forename (s) Surname**

**School:**

**Job Title:**

**Home Address:**

**Continuous Service Date:**

**I wish to apply for paid Fertility Treatment Leave**

**First Day of Absence .....**

**Last Day of Absence .....**

**Totals Days Absent .....**

**Amount of Total Allowance remaining .....**

**I also understand that I must provide evidence of my treatment/appointments in order to qualify for leave under this policy.**

**Signed: ..... Date: .....**

**Application APPROVED/NOT APPROVED (please delete)**

**Manager's Name: ..... Date: .....**

**Managers Signature: ..... Job Title:.....**