



**THIS POLICY COVERS ALL ACADEMIES/SCHOOLS WITHIN  
ARDEN MULTI-ACADEMY TRUST**

<b>Name of Policy</b>	<b>Leave of Absence Policy</b>	
<b>Lead</b>	Martin Murphy, CEO	
<b>Governor Committee</b>	Business & Personnel Committee	
<b>Policy Status</b>	Draft (SMBC)	October 2010
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<b>This version No.</b>	5	
<b>Amendments</b>	08/02/2016 (update on pension details)	
	07/02/2019 (SMBC updates Apr '18; added GDPR statement)	
	06/2020 – New parental bereavement leave and change to time off for interviews	
	24/04/2023 Severe weather disruption	



## **Scope and purpose**

This policy applies to all teaching and support staff employed at Arden Multi-Academy Trust. The policy provides guidance on the leave of absence arrangements staff may request, which fall outside of the provisions already set out within the following documents:

- Annual Leave – Contract of Employment, Employee Guidance
- Adoption Scheme – Employee Guidance
- Conditions of Service for School Teachers in England and Wales (The Burgundy Book) Memorandum of Agreement for the Release of Teachers
- Flexible Working Policy – the right to request and the duty to consider
- Maternity Scheme (Teachers)/Maternity Scheme (Non-Teachers)
- Parental Leave Scheme
- Paternity and Maternity Support Scheme
- Sickness Absence Management Policy
- Trade Union Time and Facilities Agreement

The purpose of the policy is to ensure that all staff are aware of the leave of absence provisions and requests for leave are dealt with in a fair and consistent way.

Statutory and discretionary leave of absence provisions exist to allow staff to manage their work and home life, by offering arrangements that enable them to balance their working life with other priorities.

## **Principles**

The Trust recognises the importance of supporting staff in aspects of their lives which are external to their day-to-day working lives, but which may from time to time require leave of absence from their working duties.

Members of staff are encouraged to make personal arrangements outside their normal working hours whenever possible, in order to minimise the impact on their jobs and their colleagues and pupils' education. Staff should have regard to future commitments and school holidays and schedule commitments accordingly. However, it is recognised that on occasions this may not be possible for reasons beyond a member of staff's control.

The spirit of the policy is to give sufficient discretion and flexibility to the Associate Headteacher to enable him/her to respond sensitively and fairly to individual circumstances, whilst acting consistently and ensuring service standards are maintained.

## **Roles and Responsibilities**

### **Associate Headteacher:**

- To consider requests for leave of absence in line with this policy, having regard to the nature of the request, statutory obligations, service needs, the member of staff's eligibility, any previous requests and the degree of flexibility that the member of staff already has in his/her current working arrangements.

- To ensure consistency and fairness when considering requests, and approving or refusing leave.
- Where requested, or in circumstances where clearly appropriate, to maintain confidentiality with regard to the reasons relating to staff requests for leave.
- To ensure that payroll/Human Resources is informed of any leave of absence arrangements which affect pay.
- To keep up to date records of leave requests, updating the appropriate documents on both SIMS and Oracle where available.
- To ensure an employee is not subjected to detriment for requesting to take leave of absence, or for taking any leave, which is approved.
- Where discretion is exercised, full consideration is given to all the circumstances of the case, including (where appropriate) the closeness of the personal relationship of the person affected and conditions of service of the member of staff. Teachers and school based support staff whose holiday periods are defined by school holidays may need to be granted discretionary paid or unpaid leave during term time. Any costs of supply cover for time off granted under this policy will have to be met from the school's budget.

**Employee:**

- To ensure all leave of absence has been approved. Wherever possible requests should be made in advance and in writing.
- Submit leave requests to the Associate Headteacher. The Associate Headteacher should submit leave requests to Executive Headteacher. Delegated responsibility may be given in the Associate Headteacher's absence.
- To plan ahead with regard to future commitments and possibilities, and where possible to use the school holidays.
- To not assume that a leave of absence request will be approved and avoid making plans (e.g. booking events) prior to agreement being received.
- In emergency situations, to notify the Associate Headteacher as soon as reasonably practicable, giving the reason for the absence and how long they expect to be away from work to deal with the emergency. In these circumstances, written confirmation of the dates and reason for absence should be obtained at an appropriate time.
- Not to abuse the provisions in this policy; any abuse will be dealt with in accordance with the disciplinary procedure or, during the probationary period, in accordance with the Probation Policy. Any monies paid for inappropriate or fraudulently obtained leave will be repayable to the employer.

- To be aware of pension implications when taking leave of absence.
- Please note that if the member of staff is a member of the Local Government Pension Scheme (LGPS), it is his/her responsibility to pay their pension contributions on the first 30 days of all unpaid leave, with the exception of maternity leave and any unpaid sickness absence which is certified by a doctor. Any unpaid leave of absence, for which the individual does not pay pension contributions, will not count towards reckonable service for pension purposes.

LGPS employees may elect to buy any or all 'lost' pension through an Additional Pension Contribution (APC). If this is done within 30 days of returning to work, the Trust shall pay two thirds of the cost of the APC (a shared cost APC) and you will pay the remaining one third. If you make your election past the 30-day deadline, the Trust will not make a contribution to the APC and the full cost has to be met by yourself. Where you choose to stop contributions during the same period this will not count towards reckonable service for pension until contributions are resumed.

- Further advice can be sought from the LGPS by following the links at [www.wmpfonline.com](http://www.wmpfonline.com) or by calling 0300 111 1665
- Please note that if an employee is a member of the Teachers' Pension Scheme (TPS), pension contributions cannot be paid for periods of unpaid leave.
- Further advice can be sought from the TPS by following the links at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) or by calling 0845 606 6166

This may also effect other benefits such as National Insurance and tax contributions. Further advice should be sought from Human Resources.

#### **Human Resources:**

- To provide advice, guidance and support
- To process payroll information received in relation to leave of absence

#### **Procedure**

##### **Requesting leave of absence**

Except in emergencies, permission to take any of the leave of absence outlined in this policy must be requested as far in advance as possible using the appropriate form. A pro forma for this purpose is shown in Appendix 1. This pro forma should not be used to request annual leave, adoption, maternity, parental, paternity or paternity/maternity support leave, as each associated policy contains the relevant form. Where a request for leave of absence is refused, the member of staff should be advised of the reasons for this decision.

##### **Recording leave of absence**

The request form will provide the member of staff with a record of the leave of absence that they have

requested, and any approved leave, which must be signed for by their Associate Headteacher/Executive Headteacher.

**A person designated by the Associate Headteacher will record ALL leave taken, whether paid or unpaid, full day or part day, on the employee's record or in SIMS and Oracle.**

In areas where manager self service is not currently available, ALL leave taken, will be reported to Human Resources in the normal way by using the relevant electronic form. In emergencies, where it is not possible to request leave in advance and in writing, staff must notify the Associate Headteacher as soon as reasonably practicable, giving the reason for the absence and how long they expect to be away from work to deal with the emergency. In these circumstances, written confirmation of the dates and reason for absence should be obtained at an appropriate time.

### **Unauthorised absence**

Unauthorised leave of absence should be dealt with in accordance with the school's Disciplinary Policy, and salary will be deducted accordingly following written notification being sent to the member of staff.

If unauthorised absence occurs during the probationary period, it will be dealt with as a disciplinary offence in accordance with Probation Policy, and salary will be deducted accordingly following written notification being sent to the member of staff.

### **Data protection**

Any information provided to the Associate Headteacher/Executive Headteacher will be maintained in strict confidence. When an employee makes a request to the Associate Headteacher for leave of absence, the Associate Headteacher should process any personal data collected in accordance with the Trust's Data Protection Policy. In particular, Associate Headteachers should record only the personal information required to deal with the employee's request for leave of absence and keep this information only for as long as necessary to deal with the request.

### **Bereavement/compassionate leave**

The Associate Headteacher may grant permission for leave to be taken in cases of bereavement in the immediate family. Leave may also be granted on other compassionate grounds such as the critical illness of a close relative or where there are serious personal/family problems.

The number of days granted shall depend on individual circumstances and/or considerations outlined below. In exceptional circumstances, this period may be extended at the discretion of the Governing Body.

### **Considerations:**

- **The relationship of the employee to the deceased**

In this policy, immediate family is defined as the employee's spouse, civil partner, live-in partner of either sex, parent, child, sibling, grandparent or grandchild (for a child under 18, the provision of Parental Bereavement Leave shall apply as outlined in Parental Bereavement Leave).

In addition to those named above as 'immediate family', consideration may be given to other relationships in exceptional circumstances. The closeness of a relationship should be taken into account; for example the deceased person may have raised or lived with the employee.

- **The timing and location of a funeral**

Up to one day's leave should normally be granted to attend a funeral. However, location, the distance an employee may have to travel and any other 'access' difficulties (e.g. availability of public transport etc) may need to be taken into account.

- **Responsibility for the affairs of the deceased**

An employee may be responsible for arranging the funeral and/or sorting out the will or other administration etc. In these circumstances, account needs to be taken as to whether or not he/she carries sole responsibility, or whether it is shared with other family members.

- **Time to overcome the loss**

Grief will affect different employees in different ways and the Associate Headteacher will be sensitive to this. In appropriate circumstances, staff will be encouraged to visit their GP, to seek bereavement counselling or referred to Occupational Health for advice. Counselling may be arranged through the school by contacting HR.

- **Religious duties**

An employee may have a religious duty to observe a specific mourning period. The Associate Headteacher will respond sensitively and consistently to requests for additional leave. Any additional leave approved will normally be unpaid, unless the member of staff requests use of flexible working arrangements where appropriate.

### **Other special circumstances**

Account will be taken of any other special circumstances that create additional unforeseen difficulties. For example, the sudden death of a spouse may require the remaining spouse to make child care arrangements.

The number of days authorised should be appropriate to individual circumstances.

**Up to 5 days paid leave may be provided. This is a benchmark and is not intended to imply a minimum, or in exceptional circumstances, a maximum entitlement.**

## **Parental Bereavement Leave**

Parental bereavement leave is an entitlement to leave and pay for up to two weeks for those parents and primary carers who sadly experience the death of a child under the age of 18. The leave also applies to parents who suffer a stillbirth 24 weeks or more into pregnancy. In this instance, female employees will still be entitled to up to 52 weeks of maternity leave and/or pay.

'Primary carers' include adoptive parents, foster parents (who have had the child living with them for at least 4 weeks), guardians, a partner of anyone who qualifies as parent and those classed as '[kinship carers](#)', who may be close relatives or family friends that have assumed responsibility for looking after a child in the absence of parents.

The Trust's policy is for this leave to be at full pay and there is no qualifying period of employment for employees to receive this leave and pay in such tragic circumstances.

Parental bereavement leave can be taken in units of one week and cannot be taken as individual days. Bereaved parents will be able to take the leave as:

- A single block of two weeks; or
- Two separate blocks of one week at different times (for example the first week immediately after the child's death and the second week at the time of the funeral).

The leave has to be taken within 56 weeks from the date of the death of the child. This can allow bereaved parents flexibility as to when they take the leave. For example, an employee may wish to take leave around the first anniversary of the child's death. Employees already taking maternity leave will be able to add their parental bereavement leave on to the end of their maternity leave.

Notice requirements for employees to take parental bereavement leave:

- Leave taken soon after the death (within 56 days of the death)

Bereaved parents will be able to take the leave straight away, without having to give a period of notice. They will still need to let their Associate Headteacher know the reason for their absence from work and that they wish to take parental bereavement leave. However, informal notification, such as a phone call, email or text, will be sufficient in the circumstances.

- Leave taken after the initial period (after 56 days of the death)

After the initial period, bereaved parents will normally have to give at least one week's notice of leave by making a written request to their line manager (e.g. by letter or email).

When taking paid parental bereavement leave, a form will need to be completed within a reasonable time. The form can be completed by the line manager on behalf of the employee in the circumstances. This can be found on the HR Extranet and the line manager should send to the relevant pay & HR administration team.

As long as the employee has given the proper notification, then the employee must be allowed to take the leave.

If an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

The employee's line manager should also refer to section on bereavement and compassionate leave and can discuss with the HR advisor as to what other support can be offered to the employee.

### **Emergency dependent care leave**

The right to emergency dependent care leave applies to all staff regardless of their length of service. It entitles them to time off for emergencies involving their dependents, and in order to make any necessary longer-term arrangements for their care.

The Associate Headteacher may grant **up to 3 days paid leave** during a 12-month rolling period. The provision is for a maximum of 3 days in a 12 month period and this is not pro-rated for part-time employees.

**The Statutory right is for unpaid leave** and there is no limit to the number of times an employee may request dependent care leave, therefore any further requests over and above the entitlement outlined above will be taken as unpaid leave.

Requests for additional paid dependents' care leave may be considered under bereavement/compassionate leave.

**The right is not for time off for the on-going care of dependents.** If for example a dependent is unwell and requires on-going care, an employee is not entitled to time off to look after them beyond responding to an emergency or whilst making longer-term arrangements for their care.

In circumstances where dependent care leave is not sufficient, staff should discuss the issues with their Associate Headteacher or they may request to make a permanent change to their working pattern through the Flexible Working Policy.

### **Definition of a dependent**

A dependent is defined as:

- The wife, husband, child or parent of an employee, or any other person who lives in the same household as, or is the responsibility of him/her but who is not their employee, tenant, lodger or boarder. This means that unmarried couples, including same sex couples, are included in the definition of a dependent, as are stepchildren and elderly relatives who are the responsibility of the member of staff.
- Any person who reasonably relies on an employee for assistance in cases of illness or injury or where care arrangements break down. For example, a dependent includes a relation whom he/she looks after, or an elderly neighbour who suffers an injury, where the member of staff is the person who is closest at the time of the injury.



## The timing of dependent care leave

As stated above, emergency dependent leave is for dealing with emergencies – examples of when this can be taken are:

(NB. this is not an exhaustive list.)

- If a dependent falls ill, gives birth, or is injured or assaulted. An illness (physical or mental) or injury need not be life threatening or serious, and it may be the result of a deterioration of a pre-existing condition. An employee can take leave to assist a dependent who is giving birth but not after the birth of the child (in these circumstances please refer to the parental and paternity and maternity support leave provisions).
- To make longer-term arrangements for the provision of care for a dependent who is ill or injured.
- To deal with unexpected disruption or breakdown of arrangements for the care of a dependent. An employee will be allowed time off if the dependent's normal carer, for example a child-minder or nurse, is unexpectedly absent.
- To deal with an unexpected incident during normal working hours involving the member of staff's child.

The right is intended to cover usually unforeseen and emergency situations. However, the school/academy will consider events which may be foreseen, but which are of a serious nature such as to make the presence of the member of staff necessary. The latter is at the absolute discretion of the Associate Headteacher/Executive Headteacher, and may include such circumstances as accompanying dependents to medical appointments where the presence of the carer is required

### Notification

Employees must inform the Associate Headteacher of:

- The reason for their absence as soon as reasonably practicable;
- The likely duration of the absence.

If an employee fails to reasonably notify the Associate Headteacher and provide a reason for their absence, the leave will be treated as any other unauthorised absence in accordance with Section 4.3 of this policy.

## Medical leave

- Leave of absence for medical appointments  
For guidance on attending medical appointments please refer to the school's Sickness Absence Management Policy.
- Blood donation and medical screening  
The school will grant reasonable paid time off for blood donors and for the purpose of cancer screening, where it has proved impractical to attend outside normal working hours.

The member of staff should liaise with the Associate Headteacher to agree a mutually convenient time so that operational arrangements are not affected.

- Fertility treatment  
The school recognises that experiencing problems with infertility can be very stressful for staff, and that the timing of some treatments is critical. This will be given due consideration when leave for fertility treatment is requested. Treatment may include obtaining medical advice, tests, operations or courses of treatment.

The school will grant up to **10 days' paid leave** in any one year for an employee to undergo fertility treatment. The year will run from the first date that leave for fertility treatment is approved. If an employee requires time off in excess of 10 days, they should make use of school holidays. Alternatively unpaid leave may be requested.

An employee requesting time off may be required to produce documentation confirming details of appointments.

- Elective surgery  
Where surgery is considered to be elective and not medically necessary there is no entitlement to paid time off. This includes cosmetic surgery, which is concerned with the enhancement of appearance through surgical and medical techniques and procedures. In these situations, members of staff should use school holidays.

For cosmetic surgery that relates to a medical condition and is supported by a medical certificate, the usual sickness absence provisions apply. Please refer to the School's Sickness Absence Management Policy on the AMAT website.

## Personal development leave

### Exam and study leave

Paid leave of absence will be granted where the study/training has been approved by the school/academy and is a requirement of the job. Members of staff will be granted paid leave for the duration of any mandatory exams. Where such exams are being taken, one day's revision leave with pay may be taken.

This arrangement does not apply to students attending block or day release courses and will not be offered when re-sitting exams.

Where study is not a requirement of the job role, the Associate Headteacher will give careful consideration to requests. Unpaid leave may be appropriate on a discretionary basis.

The Associate Headteacher will advise on any request for leave for study and training where an employee is 18 years of age or under.

### **Interviews**

Reasonable leave with pay will be granted for the purpose of attending interviews, as agreed in advance with the Associate Headteacher.

Where possible, paid leave may also be granted where a visit to another school forms part of the recruitment and selection process.

Employees must give their line manager as much notice as possible of their absence and only be away from work for the minimum time necessary to attend the interview. A copy of the interview invite and itinerary/agenda for the process should be supplied to the Associate Headteacher.

Employees who are at risk of redundancy will be allowed reasonable time off during working hours to look for work, attend interviews throughout the redeployment process. Please refer to the Management of Change Policy for more details. Requests for time off should be made in the first instance to the relevant line manager and will not be unreasonably refused. However, a balance should be sought between the school's operational needs and the employee's need to find a new job. Leave can be refused if the number of occasions requested is excessive.

### **Examiners' meeting**

Prior agreement has to be obtained from the Associate Headteacher before an employee will be released to take on the role of a subject examiner for an examination board. This also applies to the number of days release required and is subject to the exam board reimbursing the school.

### **Public and Voluntary Duties**

#### **Time off for public duties**

Where an employee holds a public office or public position, which may include:

- (1) A Justice of the Peace (magistrates)
- (2) An official member of:
  - A local authority
  - A statutory tribunal
  - A police authority
  - A managing or governing body of an educational establishment
  - Relevant health, education, water and river authorities
  - The Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad

- The Environments Agency and the Scottish Environment Protection Agency
- A board of prison visitors or visiting committee to prisons, remand centres and young offender institutions
- The General Teaching Council for England or Wales

They have a right to reasonable time off work in order to perform the duties associated with that position (Employment Rights Act 1996, section 50).

Under normal circumstances the school/academy will grant **a maximum of 20 days (or equivalent for part time employees) in a 12 month period**. This time will be paid at the normal rate of pay during periods of time off for public duties subject to the deduction of any monies received from the relevant authority in respect of the duties performed, which the member of staff must declare.

Leave should be agreed with the Associate Headteacher and notification provided as far in advance as possible. Approval of time off for public duties will be subject to operational / school requirements and whether other staff already have similar commitments.

### **Jury service or witness leave**

An employee called up for jury service should advise their Associate Headteacher. When requesting leave the member of staff should provide a copy of the court summons, and should then submit a claim to the court for loss of earnings. A claim form for this purpose may be obtained from the court.

Staff will continue to be paid whilst on jury service at the normal rate of pay, subject to the deduction of any monies received from the court in respect of loss of earnings.

The school/academy will advise Payroll/Human Resources of the amount received by the employee (excluding any expenses) from the court and they will arrange to deduct this amount from salary in the following month.

Leave of absence will be approved if staff are required to be a witness in a criminal case subject to the above.

### **Volunteer Reserve Forces leave**

Employees in the Volunteer Reserve Forces or volunteer as a Special Constable or Adult Cadet Instructor may be granted **up to 10 working days per year with pay (or equivalent for part time employees)** in order to attend mandatory training.

Requests for additional leave will need to be accommodated through the use of flexible working arrangements, adjusting work patterns, annual leave (where possible) or may be taken as unpaid leave.

Employees should wherever possible endeavour to accommodate their training commitments during the designated school closure periods.

Please refer to Human Resources for further information regarding mobilisation.

## **Severe Weather and Disruptions to Public Transport**

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.

Although the Trust expects 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.

### **Lateness**

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 designated member of staff within your school as soon as possible to explain the situation and give an estimate of when you expect to arrive at work.

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

### **Absence**

Where the Associate Headteacher 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.

Where it is not possible to accommodate remote working arrangements, you will be entitled, in consultation with the Associate Headteacher, to one of the following options:

- Take the time as annual leave
- Make up any lost time at a later date; or
- Take the day as unpaid leave

## **Other Circumstances**

### **Religious observance leave**

Employees whose religious duties are not covered by weekends or Bank or Public Holidays may need time away from work. This can include days off for religious festivals, time away from work during the day for prayer, and adjusting working time to accommodate periods of fasting or requirements to cease work by a particular time.

Please be aware that some religious events occur on different dates each year.

Requests for time off for religious observance will be considered sympathetically and on a case by case basis. The Trust will give consideration to adjusting work patterns, wherever appropriate or approving unpaid leave to enable employees to participate.

Requests should be made to the Associate Headteacher in the first instance.

### **Special leave**

In addition to the leave of absence described in this and other policies, there may be other special circumstances in which members of staff may need to take leave of absence. Such circumstances may relate to emergencies or planned events and will be considered as outlined below.

### **Paid leave**

At the absolute discretion of the Associate Headteacher/Executive Headteacher, paid leave may be considered in personal domestic circumstances that are not covered by these specific arrangements and where the employment contract restricts use of alternative flexible working arrangements or annual leave. **Such leave should not normally exceed one day on any one occasion.** Examples may include one day's paid leave to attend the wedding or civil ceremony of a close relative, graduation of a spouse or own children or moving house.

### **Unpaid leave**

Where requests relate to longer term periods of leave such as voluntary services overseas or participating in sport or the performing arts at a high level, the Associate Headteacher/Governing Body may, at their discretion and in line with service requirements, **approve unpaid leave of up to 1 month.** . Where requests for leave of absence extend beyond this, the Associate Headteacher will consider the matter on a discretionary basis.

In school careful consideration needs to be given when approving leave of absence to ensure it is compliant with School Teachers Pay and Conditions Document and the Trust's Cover and Planning, Preparation and Assessment Policies.

**Appendix 1:****Arden Multi-Academy Trust  
REQUEST FOR LEAVE OF ABSENCE****PERSONAL DETAILS**

Your name:	
Your job title:	
Your contact telephone no:	
Name of line manager/Associate Headteacher:	

**DETAILS OF REQUEST**

Dates from:	To:
<b>Reason for request:</b> (Please state whether leave is subject to any reimbursement from a relevant body: e.g. jury service or meetings of examination bodies.)	

**APPROVAL (Associate Headteacher)**

Your request for leave is approved:		
YES with pay <input type="checkbox"/>	YES without pay <input type="checkbox"/>	NO <input type="checkbox"/>
if No please give reasons below		
Reason(s):		
Associate Headteacher		
Signature:		
Date:		

<b>ACTION/RECORD</b>	
<ul style="list-style-type: none"> <li>• SIMS</li> <li>• ORACLE</li> </ul>	
Date:	

