

## **Absence - Discretionary Leave of Absence Policy**

### 1. Introduction.

- 1.1 The Trust recognises that the success of all its Academies 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 are the priority and therefore there will be times when the Headteacher 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 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 line manager.
- 1.5 This policy does not cover leave which is included in the policies and procedures listed below:
  - Annual leave
  - Flexible working
  - Maternity/Paternity/Parental/Adoption leave
  - Sickness absence
  - Redundancy
  - Training and Study leave
  - Trade Union and Facilities time
- 1.6 Excepting contractual elements protected under enhanced TUPE, this policy applies to all teaching and support staff, 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 as soon as the need for the leave is known. Where the leave of absence request is made by the Head Teacher, the request should be made to the Chief Executive Officer (CEO). Where the leave of absence request is made by the CEO, the request should be made to the Chair of Trustees.
- 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
- 2.3 Where an emergency arises you must notify the Headteacher by telephoning the Academy sickness line 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 within 5 days of receipt of the leave of absence decision. The appeal will be considered by the CEO, whose 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 TPS and LGPS will be informed about the impact of taking unpaid leave on their pensionable service.

### 3. Discretionary Leave of Absence

#### 3.1 Examples of discretionary time off work that may be granted with pay:

Summary non exhaustive examples of leave normally granted with pay	Paid Days Per Year
<b>Compassionate leave</b> - Illness or injury of a significant other person giving rise to serious domestic difficulties.	Period reasonably necessary but not normally more than 3 days
<b>Bereavement leave</b> - Death (including funeral) of a significant other person.	Period reasonably necessary but not normally more than 5 days.
<b>Moving house</b> where it cannot be arranged for a non-working time.	1 day
<b>Personal events or emergencies</b> - 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
<b>Accepted impossible travel</b> 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 but not normally more than 3 days.
<b>Dependent care leave</b> - Employees may only take paid time off to provide personal care for a dependant where there is an immediate crisis.  (There is a statutory right to take unpaid leave see 6.1 below)	In normal circumstances not more than 1 day on each occasion.

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

Summary non exhaustive examples of absence normally granted without pay	Unpaid Days Per Year
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 school	Period of attendance necessary.
Leave of absence for religious observance	Reasonable time off

### 3.2.1 Medical appointments:

Upon production of a medical appointment letter/card up to half a day paid leave may be granted to attend an appointment at hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. For other medical appointments you should liaise with your line manager to agree a mutually convenient time so that the operational requirements of the school are met and then request leave from the Headteacher.

### 3.2.2 Attendance in court as a witness

If you are subpoenaed or summoned to attend a Court (including an Employment Tribunal), as a witness and you are not representing the Trust then, on production of proof of required attendance, you must request leave from the Headteacher and you will be normally be granted unpaid leave 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 as soon as the need for the leave is known 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. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the Trust, pupils and surrounding circumstances. You should request time off at the beginning of the academic 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
- 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.

- 4.3 The Trust 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 Trust.

## 5. Jury Service

- 5.1 You must inform your line manager as soon as you are summoned 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 Finance Office 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 Trust 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 line manager 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, (step) parent or (step) 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. Parental Bereavement Leave

- 7.1 We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.
- 7.2 Employees of the Trust are entitled to Parental Bereavement Leave, more information can be obtained from [HR@cbat.academy](mailto:HR@cbat.academy)