



Sidney Stringer
Multi Academy Trust

Policy for Discretionary Leave of Absence September 2019 – September 2021



1. Introduction.

- 1.1 The Governing Body recognises that the success of the Academy 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 /Principal 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. Each request will be considered on a case-by-case basis and on its individual merits.
- 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 there is 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. You can also seek advice from your Trade Union official.
- 1.5 This policy does not cover leave which is included in the policies and procedures listed below:
 - Maternity/Paternity/Parental/adoption leave
 - Flexible working
 - Promoting Health at Work
 - Redundancy
 - 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 Staff are required to make every effort to minimise the impact of absence on the running of the Trust and therefore ensure that appointments are made outside of their working hours wherever possible.
- 2.2 Where this is not possible, leave of absence may be requested. 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 using the appropriate school form. (Where the leave of absence request is made by the Head Teacher, the request should be made to the CEO or in the case of the CEO, the Chair of the MAT). For teaching staff this means all activities which take place during



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directed time and includes activities outside the normal school day, for example, meetings and parents evenings. For support staff this means their contracted hours and includes any mandatory evening events which they are required to attend relevant to their role.

- 2.3 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 appropriate school form.
- 2.4 Where an **emergency** arises you must notify the school in line with absence procedures 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.
- 2.5 Applications for leave of absence should be made within the timescales set out below. However, in some circumstances, such as an emergency, a written request prior to the absence may not be possible though the employee should report their absence verbally through the normal procedures. In such cases a written request should be submitted as soon as possible after the event.

Type of Leave of Absence	Minimum Notice
CPD	5 working days
Planned appointments and meetings	5 working days
Emergency events	As soon as possible

- 2.6 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.
- 2.7 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.
- 2.8 All applications which are agreed will be subject to cover arrangements. Depending on the level of absence on each day it may be necessary to cancel a period of leave previously agreed. This will only be done where necessary to ensure all school activities are appropriately covered and will be prioritised depending on the reason for the leave of absence. This will not apply to any emergency medical appointments.



3. Discretionary Leave of Absence

3.1 Employees will be granted no more than 5 days discretionary leave of absence in a rolling year except in exceptional circumstances. Examples of discretionary time off work that may be granted with pay:

Summary non exhaustive examples of leave normally granted with pay	Days per year over a 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 1 day
Interviews for jobs	period reasonably necessary but not normally more than 3 days in a year
<u>Dependent care leave.</u> 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 6.1below)	In normal circumstances not more than 1 day on each occasion. Up to 3 days in any 12 month period
The Headteacher has the discretion to consider requests for leave of absence for any reason other than those detailed above. Each request will be considered on a case-by-case basis and on its individual merits.	Discretionary
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	Half a day with pay on production of proof of required attendance. Any additional time will be unpaid
Emergency dental or medical appointments Consultant appointments	Half a day with pay. This does not apply to routine appointments which need to be booked outside working hours.



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

Summary non exhaustive examples of absence normally granted without pay	Days Per Annum - All Staff
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, driving awareness courses, important one-off family occasions. Emergency medical and dental appointments are covered in section 3.1	maximum of 3 days
Religious Observance The Trust recognises the importance of religious observance and will attempt to accommodate the needs of the employee	Up to 1 day paid all others unpaid

3.2.1 Medical appointments:

Upon production of a medical appointment letter/card or other relevant notification up to half a day paid leave may be granted to attend an appointment at hospital (excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with your line manager to agree a mutually convenient time so that the operational requirements of the school are met.

3.2.2 Leave of absence for religious observance

Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the Academy, pupils and surrounding circumstances. You should request time off at the beginning of the School year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

3.2.3 Part-time Employees

The entitlements detailed in this policy are based on an employee working full-time. Where an employee works part-time all entitlements are on a pro rata basis. As with all employees part time workers should make reasonable efforts to schedule appointments etc. outside of working hours. Staff working on a term-time only basis will be considered as being full- or part-time in relation to their contracted hours per week.

Where a part-time employee attends CPD on their day off or outside their normal working hours they will either be given equivalent time off in lieu or paid on the same basis as a full-time employee. This should be agreed prior to the commencement of the period of absence.



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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
- 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

5. Jury Service

- 5.1 You must inform your 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 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 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.



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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 statutory right to take a reasonable amount of **unpaid** time off work when it is necessary to:

- (a) provide assistance when a dependant falls ill, dependent 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.



LEAVE OF ABSENCE REQUEST

SIDNEY STRINGER MULTI ACADEMY TRUST
All Staff Absence – For All Cover Arrangements

This form must be submitted **at least 5 working days** before the required absence.

Leave of Absence – Written approval for leave of absence must be obtained from the Head Teacher

Cover Arrangements for trips with students are the responsibility of the member of staff in charge of the trip.

Today's Date	Date(s) out of school
Support Staff Full name:	Times(s) out of school
Teaching staff Initial:	On site <input type="checkbox"/> Off site <input type="checkbox"/>
Reason(s) for Absence (Please indicate whether it is a Course, Personal, Trip, INSET etc.)	

Cover Required

(For duties please write the initials of the member of staff covering)

	Before School Duty	Lesson 1	Lesson 2	Break Duty	Lesson 3	Lunch Duty 1	Lunch Duty 2	Lesson 4	Lesson 5	After School Duty
Group/Room										

Please attach additional sheet if more than one days cover is required

Consultation/Agreement

Please obtain the appropriate signatures to show that class work and/or registration arrangements have been made and that the requested absence has been agreed.



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LEAVE OF ABSENCE DECISION

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 decision maker] within 5 days of the date of the decision as recorded above. Your appeal will be heard by the Executive Headteacher

Signed:

Date: