



Policy and Procedure: Staff Leave of Absence Policy

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1. Introduction and Aim of Policy

- 1.1 Where possible it is expected that all staff will try to arrange leave of absence during the Eastern Multi-Academy Trust's ("the Trust") holiday periods. However, it is recognised that the nature of the working day and terms limits the flexibility of staff to take leave for personal reasons.
- 1.2 It is also important to bear in mind that requests for leave must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences.

2. Application of the Policy

- 2.1 This policy applies to all employees of the Trust. The intention of this policy is to consider requests for annual leave and other leave which fall outside of those covered under conditions of service, other policies or legislation. For example, arrangements in respect of adoption leave, maternity leave, parental leave and paternity leave can be found in the relevant policies.
- 2.2 Reasonable requests for leave will be considered on an individual basis by the Principal. Any subsequent disputes will be resolved through the Appeals Committee of the Academy Council. Approval of personal or annual leave will not be unreasonably withheld.

3. Procedure

Applications for leave can be made by completing the leave of absence form, and attaching any supporting documentation to aid the fair review of the request.

3.1 Teachers Annual Leave:

There is no provision for annual leave entitlement for teachers. They are required by statutory order under the School Teachers' Pay and Conditions of Service to be available for work for 195 days each year, of which 190 shall be days on which they may be required to teach pupils.

The Principal should not normally receive any requests from teaching staff to take a holiday within term-time and any requests within term time should be by exception. Any time off agreed will be unpaid.

3.2 Support Staff Annual Leave

Entitlement to annual leave for support staff is as specified in their individual contracts of employment. The taking of annual leave is subject to the prior approval of the Principal, unless he/she delegates this responsibility to the senior member of support staff on site or the individual's line manager. For the central Trust approval will be given by the relevant line manager.

The provision for support staff employed on a term-time only, or less than full year basis is the same as for teaching staff above. The annual leave year for support staff runs from 1st April to 31st March.

For all year round staff, whose contracts of employment specify that they have bookable annual leave, it is expected that annual leave be taken normally within the Trust's holidays. However, there will be occasions when such staff would wish to take leave during term time. Where possible this leave will be granted having given due regard to the exigencies of the service.

Support staff may carry forward a maximum 5 days' leave where a minimum of 20 days leave (excluding Bank Holidays and additional statutory days) has been taken in the current leave year. Any leave carried forward must be taken before 30th June that year and with the prior written consent of the Principal (line manager within the central Trust) which will be granted only in exceptional circumstances, for example where service demands have meant that the full annual leave entitlement could not be utilised.

To assist in the planning of annual leave the management team will consider the times of year when support staff will definitely need to be present and times where there may be more flexibility. Where the management wishes to have a closure period during the holidays this will be notified to all year round staff at the beginning of the academic year.

3.3 Management/Leadership Annual Leave

Entitlement to annual leave for management/leadership staff employed on non-teaching contract is specified within that contract. The taking of annual leave is subject to the prior approval of their line manager.

The annual leave year is 1 September to 31 August in each year. Managers are expected to take their leave within that period and there is no ability to carry untaken leave forward.

Dependent upon their role, staff are expected to normally take holiday outside of term time. However, they are able to request to take leave within term time which could be agreed dependent upon their role and the work requirements out of term time eg building projects.

4. Disability leave

Disability leave is reasonable paid time off work for a reason related to an employee's disability. It can usually be planned in advance and is for a fixed period of time. Employees should make appointments outside working hours but where this is not possible disability leave may be an option. A failure to allow reasonable time off could be deemed discriminatory.

Examples of disability leave include:-

- Hospital or doctors appointments
- Hearing aid tests
- Training with a guide or hearing dog
- Counselling/therapeutic treatment
- Recovery time after a blood transfusion or dialysis treatment
- Physiotherapy
- Servicing of necessary equipment or disability aids
- Cancer treatment
- Other reasons connected with rehabilitation, assessment and treatment
- While reasonable adjustments are made in respect of the individual's disability it is not appropriate for an employee to remain at work or be redeployed. This decision will be based on medical advice. (The time off will not be taken into account when considering possible dismissal on the grounds of medical incapability)
- A reasonable extension to a phased return period based on medical advice

Disability leave is an example of a reasonable adjustment under the Equality Act 2010. The intention is to avoid employees taking annual leave due to their disability or having a poor attendance record. Not all disabled employees will need to take disability leave.

Disability leave is not sickness absence that is related to a disability. When an employee is not well enough to attend work this **must** be recorded as sickness absence.

Employees who consider that they have a disability as defined by the Equality Act can apply to their Principal for disability leave.

5. Other Leave of Absence

- 4.1 The Trust will comply with any statutory regulations regarding allowance of time off for employees.
- 4.2 The Trust recognises that there may be times when employees will need to take additional time away from work and will comply with any statutory regulations regarding time off for employees.
- 4.3 Employees seeking to take leave of absence must gain approval in advance of the leave commencing, from the Principal or their line manager within the central Trust.
- 4.4 In exceptional circumstances it may be necessary for employees to be absent from work before a request can be made and approved. In these circumstances the request should be made as soon as possible, with approval or non-approval of the request being made retrospectively. This would apply where an emergency arises making it impossible to request this in advance such as bereavement leave.
- 4.5 There is no intention to remove any rights previously conveyed to employees. The granting of leave is at the discretion of the Principal within the limits set out by this Policy, but approval will not be unreasonably withheld.
- 4.6 Where an employee wishes to challenge a decision, an appeal to the Appeals Committee of the Academy Council should be made.
- 4.7 The granting of leave will be monitored and reviewed on a regular basis to ensure the fair and consistent application of the procedures for all employees.
- 4.8 There may be situations where paid leave is not appropriate, and in this case unpaid leave or time off in lieu arrangements may be considered.
- 4.9 The following are examples of leave of absence which may be requested, whether it is paid or unpaid and limits where applicable (this is not an exhaustive list):
 - Bereavement leave – for immediate family only i.e. parents, siblings, spouse or partner – 5 days maximum paid leave to include funeral
 - Parental bereavement leave – 2 weeks for eligible parents, for the death of a child under 18 or in the case of still birth after 24 weeks' of pregnancy

(unless on maternity leave), paid leave. This can be taken in one block or two blocks of one week each during the first year of bereavement.

- Compassionate leave – for emergencies only involving immediate family up to 3 days paid
- Bereavement leave for wider family ie grandparents, grandchildren, son/daughter/parents-in-law – 1 day in addition to the funeral allowance
- Funerals – wider family i.e. aunts, uncles, cousins only 1 day
- Time off to care for dependants – within reason - unpaid
- Urgent domestic reasons - within reason - unpaid
- Jury service is paid less the allowance payable by the courts. A loss of earnings certificate must be completed and the payment made by the trust is considered a ‘top up’ payment.
- Witness summons – as for jury service
- Justice of the Peace (Magistrate) duties – unpaid
- Other public duties – based on individual circumstances A reasonable amount of time off must be allowed to employees who are:
 - Justices of the Peace (Magistrates);
 - members of a Family Health Service Authority;
 - members of Local Authorities & Police Authorities;
 - member of Strategic Health Authorities;
 - members of Statutory Tribunals;
 - members of a National Health Service Trust;
 - members of School Governing Bodies, Academy Trusts, Higher Education Corporation or Local Authority Education Establishments;
 - members of the Environment Agency;
 - members of the Broads Authority;
 - members of a Board of Visitors, or a Visiting Committee for Prisons, Remand Centres and Young Offenders Institutions.
 - The British Volunteer Reserve Forces (VRF) makes a valuable contribution to our defence, our communities and the workplace. The VRF consists of the Royal Naval Reserve, the Royal Marines Reserve, the Territorial Army, and the Reserve Air Forces.
 - Reservists may be called up and ‘mobilised’ to support defence strategy in conflict operations and to assist in disaster relief across the globe.
- Personal health and welfare – within reason – based on circumstances
- Examination and revision leave – academy approved and paid only – up to 2 days per qualification
- Graduation for employees where the qualification is supported by the Trust – 1 day paid
- Religious observance – within reason – unpaid
- Service in non-regular armed forces/volunteer reserve services – as required – unpaid
- Interviews – unpaid unless covered by teaching terms and conditions
- Moving house - unpaid

In some circumstances where the leave would be unpaid, holiday or TOIL may be able to be taken if applicable.

4.10 Medical appointments

Wherever possible, employees should make medical/dental appointments for themselves or their dependents outside of school hours (normal working hours – outside of directed hours for teachers) or in school closure periods.

There is no legal requirement to grant time off for medical appointments including surgery and fertility treatment. Where the surgery or fertility treatment is available and recommended by the NHS the Principal should grant leave of absence with pay (this does not mean the employee has to have the procedure on the NHS, they could choose to go private). For non-NHS recommended procedures the Principal should grant leave of absence without pay. Please note if the employee concerned is deemed to have a disability covered by the Equality Act, it will be appropriate to consider whether time off for medical appointments should be treated as disability leave (see section 2 above).

Where possible, the employee should ensure there is sufficient time outside school hours or in school closure periods to allow for recovery. If the Principal is satisfied that this has not been possible, the usual sick leave and sick pay arrangements will apply provided the school's sickness absence procedure is followed. If the employee is unfit to work due to complications resulting from surgery/treatment, or the surgery/treatment results in injury, the usual sick leave and sick pay arrangements will apply provided the school's/academy's sickness absence procedure is followed.

4.11 Transgender procedures

The Equality Act 2010 makes it unlawful for an employer to discriminate against an employee, job applicant, or contractor on the grounds they propose to start, or have completed a process to change their gender. An individual does not need to be undergoing medical supervision to be protected by the Act, nor do they have to complete the process of changing their identity. The individual cannot be treated any less favourably than someone who is absent for some other reason. Employers have a duty to ensure that an employee in these circumstances does not suffer harassment once they return to work. Confidentiality is therefore important and the Principal should discuss with the employee what information will be given to colleagues about the reason for absence.

4.12 Discrimination and fertility treatment

Employers are not legally obliged to allow employees time off from work to undergo fertility treatment. Women who are undergoing fertility treatment are, however, protected under the Equality Act 2010. If they are dismissed or treated

differently because they are undergoing surgery or other treatment, or have undergone fertility treatment, this is likely to constitute unlawful discrimination.

If an employee is ill as a result of treatment, e.g. if they suffer from stress or some other complication, then they will be entitled to take sick leave, and receive sick pay if they are unfit for work.

- 4.13 If a member of staff is unable to attend due to bad weather, the absence will be unpaid unless the relevant Academy/Trust is closed. Should there be a closure, payment will be made as usual for that period.
- 4.14 If an employee takes leave without permission from the Trust, the leave will be considered unauthorised unpaid leave and may result in disciplinary action, including dismissal, being taken against the employee. Therefore, it is important that all employees follow the relevant procedures in place before taking leave (for whatever reason).
- 4.15 Whilst all attempts to be objective will be made by the Principal (or line manager for the central Trust) when deciding whether to authorise requests for leaves of absence, the Trust accepts that by their very nature, such requests are often highly individual and often confidential to the member of staff and the Principal/line manager. As such, it can be inappropriate to explain why one request may be authorised with other colleagues whose similar requests have not been authorised. Principals/line managers will note on the form the reasons for the decision being made.
- 4.16 Notwithstanding this, authorised leave of absence will be reviewed by the HR Department. They are authorised to ensure consistent application of the policy and any decisions outside of the limits is justified appropriately. This is to ensure requests are treated equally wherever possible, in conjunction with the Trust's Equal Opportunities Policy. Any challenges will be addressed to the relevant Principal/line manager but may result in changes to the initial determination.