



Leave of Absence for Staff Members Policy



Status	Statutory
Responsible Directors	Board of Directors
LGB	Full Governing Board
Responsible Persons	Mrs. B Nixon CEO
Date of last review	March 2021
Date of next review	March 2022



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<i>Version</i>	<i>Revision Date</i>	<i>Revised by</i>	<i>Section Revised</i>
V1	April 2018	B Nixon	No revisions made
V1	March 2019	B Nixon	No revisions made
V2	March 2020	L Burton	<p>CEO replaced with Chief Executive Officer, Headteacher, Deputy Headteacher, Assistant Headteacher changed to Principal, Vice Principal and Assistant Vice Principal</p> <p>Section 5 additional text regarding refusal of request added</p> <p>Section 7 annual leave entitlement changed to reflect 2019 support staff salary scales</p> <p>Section 8.9 updated to cover interviews with any potential employer</p> <p>Section 8.10 refers to Trade union policy which we do not have</p> <p>Appendix A updated to reflect 5 days paid bereavement leave following advice from Advanced HR that most Academies/trust have increased from 3-5</p> <p>Updated to reflect interviews with other employers for employees at risk of redundancy</p> <p>Added in leave of absence to represent a colleague at disciplinary/grievance meetings/hearings</p>
V3	March 2021	AHibbitt	Updated section 7 annual leave entitlement processes, procedures and annual leave entitlement to reflect executive leadership annual leave trust scales

1. Introduction

This policy is set to assist the Chief Executive Officer, Principal and Governing Bodies of the academies within Exceed Learning Partnership in making decisions about dealing with requests for leave of absence in accordance with legal contractual and moral obligations.

It does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Trust/Governing Board.

In the interests of fairness and consistency, the granting of leave of absence within the Trust will be made within the framework of this policy, which adheres to specific legislation and relevant conditions of services. For teachers these can be found in the Conditions of Service for Academy Teachers in England and Wales (Burgundy Book) and for support staff in the National Joint Council (NJC) for Local Government Services (Green Book).

2. Applicability

This procedure applies to all staff working in the Trust.

Teachers and term time only support employees have contracts of employment which provide for annual holidays to be taken during academy closures. There is therefore no contractual entitlement to time off during term time.

However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay. This procedure sets out these entitlements, including paternity leave, parental leave and time off for dependents.

It is also recognised that, from time to time, the academy may agree to grant individual employees time off (paid or unpaid) during term time for a variety of reasons. Such time off may be granted on request and at the discretion of the employer, under the terms of this procedure.

3. Purpose, Scope & Principles

- Annual leave and occupational sick leave will be in accordance with the relevant conditions of service for teachers and support staff
- Other leave of absence will normally be on an unpaid basis, unless otherwise specified
- The operational needs of the academy will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given
- The responsibility for exercising discretion on behalf of the Governing Board is the Principal's, in accordance with the professional duties defined in the Academy Teachers' Pay and Conditions Document



- Any dispute or grievance about a request for leave of absence or payment during leave of absence will be dealt with through the Trust's Grievance Procedure
- A principle purpose in setting out this Policy is to ensure that requests are dealt with fairly and consistently

4. Teachers' Working Time

A Teacher employed full-time must be available for work for 195 days in any academy year. 190 of those days must be days of which he/she may be required to teach pupils and perform other duties and five days must be days on which he/she may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

These provisions do not apply to staff on the Leadership spine; current examples include Vice Principals, Assistant Vice Principals, Advanced skills teachers or teachers in receipt of an acting allowance for carrying out the duties of a Principal, Vice Principal or Assistant Vice Principal.

5. Application to take Leave/Leave of Absence

All leave requests should be made in accordance with arrangements in the academy. Requests must be approved by the Principal (or delegated manager) and will be subject to the needs of the academy.

In the case of operational priority or inadequate notice for a leave of absence application there may be times when the principal or Line Manager has to refuse the request for leave.

Only where leave is approved **without pay**, should the Leave of Absence – Pay Deduction Form be completed by the member of staff and authorised by the Principal (or delegated manager).

6. Unauthorised Absence

If an employee takes leave of absence without the prior consent of the Principal, this may warrant an investigation under the academy's Disciplinary procedure.

7. Annual Leave

Term-time only employees do not have an 'annual leave entitlement' as their leave is taken out of term time.

For support staff who have a contract for 52 weeks per year, the leave entitlement is dependent on grade and continuous service.



This leave will normally be taken in accordance with the Annual Leave and Flexible Working Policies and must be agreed with the Principal or nominated person prior to the leave being taken.

Full time employees on 'standard leave entitlement' are entitled to leave in accordance with the following table. Part-time employees and job-sharers have a pro-rata entitlement.

Scale Point	No of Days	No of Days after 5 Years	No of Days after 10 Years
Grade 6 and below	26	29	31
Grade 7	28	31	33
Grade 8-9	30	33	35
Grade 9-12	32	35	37
PO17 Point 51- PO18 Point 57	34	37	39
PO19 Point 58 – PO20 Point 65	36	39	41
PO21 and above	38	41	43

7.1. Additional Annual Leave for Long Service

The additional leave for long service will commence on the actual date of the completion of the service, and will be calculated on a pro rata basis in the first year of entitlement.

A pro-rata entitlement will apply to part-time and job share employees.

7.2. Leave Period

The annual leave period begins on 1st April and ends on 31st March. Employees starting or leaving employment during the year are entitled to leave proportionate to their service during that part year.

7.3. Annual Leave Allocated in Hours

Annual and Bank/public holidays entitlements may, where necessary, be expressed in hours over the leave year.

7.4. Bank/Public Holidays

In addition to annual leave, employees are entitled to eight bank/public holidays. These are Good Friday, Easter Monday, May Day, Spring Bank Holiday Monday, August Bank Holiday Monday, Christmas Day, Boxing Day and New Year's Day. For staff working term time bank holidays are included and taken into consideration in their 'term time calculation' of hours.

7.5. Booking Annual Leave

All holidays must be taken with the approval of the Line Manager and holidays must not be taken unless prior approval has been obtained. Whilst every effort will be made to enable employees to take their annual leave at the time of their own choice,



all leave is subject to the requirements of the service and employees are required to take a number of days in school closure periods identified in 7.7.

Annual Leave for those working term time only must be taken during school holiday breaks as there is no annual leave entitlements.

7.5 Minimum Notice Required for Taking Leave

When requesting a period of annual leave, twice as much notice is required (wherever practicable) as the amount of leave requested (e.g. a request for 10 days' leave should be made at least 20 working days in advance), except in exceptional or urgent circumstances when the appropriate notice is not available. Once granted, a period of annual leave cannot be cancelled by management where the employee has made prior commitments.

7.6. Holiday Entitlement Not Taken Before Date of Leaving

Where an individual's employment ends they will be entitled to the number of days' pro-rata for each month of service.

Holidays taken beyond this will be refunded by the employee and entitlements not taken will be paid for. This only applies to the statutory entitlement of 28 days; (for example, an employee leaving six months into the leave-year, having had five paid bank and public holidays (Good Friday, Easter Monday, May Day, Spring Bank, August Bank) and five days' annual leave in leave-year, will be entitled to four days' payment in lieu of untaken leave).

7.7 Mandated Annual Leave

Employees receiving standard leave entitlement are required to take the following days out of their annual leave entitlement around the requirements of service. (pro rata for part time)

A minimum of 5 days' annual leave (excluding bank holidays) over the Christmas Holidays

A minimum of 5 days' annual leave (excluding bank holidays) over the Easter Holidays

A minimum of 10 days' annual leave (excluding bank holidays) over the Summer Holidays

7.8 Annual Leave around requirements of service

Employees receiving standard leave entitlement are not permitted to take more than 10 consecutive days of annual leave in term time without approval from the Executive Leadership Team.

7.9. Carry Over of Annual Leave

All employees are expected to take their full entitlement of annual leave within the Annual Leave period. However, the Trust recognises that employees will occasionally be needed/need to carry over annual leave days. In this scenario, an employee is able to carry over up to a maximum of 3 days' annual leave into the following year, following a written request to and approval from their line manager.

7.10 Pro-Rata Entitlement to Bank and Public Holidays

All part-time and job-share employees have a pro-rata entitlement.



7.11. Sickness during Annual Leave

If an employee becomes ill during a period of annual leave, then the employee should obtain a medical certificate signed by a doctor if they require their annual leave to be cancelled and replaced by sick leave. If a signed medical certificate is obtained, then the annual leave is cancelled with effect from the date of signature. A self-certification is not sufficient to convert a period of annual leave into sick leave. In some cases, a medical practitioner may require payment to supply a medical certificate on the employee's first day of sickness; in instances such as these the academy and Trust are not liable for reimbursement of any cost incurred.

8. Miscellaneous Leave

8.1 Hospital, Doctor and Dental Appointments and Medical Screening

Leave of absence with pay will be granted to employees who have hospital appointments, which necessitate absence during the employee's working day.

There is no entitlement to paid leave for doctors or dental appointments except for:

- a doctor appointment to undergo regular medical treatment
- screening for cancers
- ante-natal care, and
- for certain minor operations which previously took place in hospitals, and are now being undertaken in the general practitioner's surgery

There is an expectation that wherever possible, such appointments will be made in the employees own time.

8.2 Attending a Blood Donor Session

Employees are allowed time off with pay to attend a blood donor session near or at their workplace if they are unable to attend outside working hours.

8.3 Maternity Leave

The Trust operates a Maternity Leave Scheme. Reference should be made to this for details of entitlements, including information relating to time off for ante-natal care, relaxation and parent-craft classes.

8.4 Employees who are disabled within the meaning of the Disability Discrimination Act (1995)

The Disability Discrimination Act states that it is the duty of an employer to take steps in order to make reasonable adjustments. In accordance with this, treatment, assessment and rehabilitation which cannot be arranged in an employee's own time will be facilitated by the granting of reasonable paid time off.

8.5 Leave for Adoption Purposes



The Trust has an Adoption Leave Policy and Procedure in place. Reference should be made to this for details of entitlements

8.6 Parental Leave

The Academy has a Parental Leave Policy and Procedure in place. Reference should be made to this for details of entitlements

8.7 Fertility Treatment

Employees may apply under the special leave provisions for reasonable time off to undergo fertility treatment.

8.8 Leave for Interviews and Selection Tests

Paid leave will be granted to employees who are required to attend for interview or selection testing purposes connected to a job application, provided that the job is within another academy or Further Education establishment. Interviews with other businesses shall take place in the employee's own time. If an employee has exhausted their annual leave entitlement, then time off without pay can be granted.

8.9 Leave for Employees at risk of Redundancy

An employee at risk of redundancy will, during their notice period, be entitled to reasonable time off from work with pay to look for other employment and will also be granted paid time off for interview purposes. Time off with pay will be granted for interviews with any potential employer and not limited to interviews with another Academy or further education provider.

8.10 Trade Union Matters

Officials and representatives of trade unions will be allowed reasonable time off to attend to trade union matters. Please refer to the Trade Union Facilities Agreement for information on trade union duties, trade union activities and trade union training.

8.11 Service in Non-Regular Forces

Members of the non-regular forces who attend annual training may be granted time off without pay, up to a maximum of 10 working days.

8.12 Leave for Religious Observance

Employees are entitled to one working day's paid leave, but may use some of their annual leave entitlement, to or potentially take a reasonable amount of unpaid leave for further days for religious observance.

9. Leave for Public and Other Duties

Policy

It is the Trust's policy to enable employees to reasonably fulfill any public or other duties, which they are required to undertake, or have volunteered to undertake.

In granting leave to cover for these supplementary duties however, it will have regard to the needs of the service and with the exception of jury service, witness summonses or subpoenas,



the academy reserves the right to insist that a public or other duty does not take preference over academy duties.

Conditions

Before accepting a position with an external organisation unrelated to the academy or Trust, which would require leave of absence, an employee must obtain approval from the Principal or the Chief Executive Officer in the case of the Trust in advance. If, and when, approval has been given, the employee must submit, monthly in advance, details of commitments.

9.1 Public Bodies Activities

Paid leave may be granted to employees who serve on a public body or who undertake public duties. Where an allowance is paid for loss of earnings, the employee should claim the allowance and declare this to the employer, who will deduct it from earnings via the Leave of Absence pay deduction form. The amount of time granted to an employee to enable them to undertake these duties will depend on the individual circumstances of each case, but should not be such as to affect the employee's efficiency at work.

Employees may be granted time off, with pay,

- to serve as a member of a Health Authority/Board
- to serve as a Special Constable
- to serve as a Justice of the Peace
- to undertake Jury Service

9.2 Attending Court

Leave without pay will be granted to employees who have to attend court as a defendant during working hours for matters outside of their academy duties.

10. Leave of Absence Guidance

There are occasions when staff will find it necessary to be absent from work due to matters which are, in the main, outside their control. It must however, be understood by all concerned that absences from work have an adverse effect on the delivery of the service in which we are employed and therefore staff are required to apply for leave of absence with restraint.

Where leave of absence is necessary then only minimum periods of leave should be requested. This is particularly relevant to those provisions that provide for up to a given maximum – **the stated maximum must not be seen as the norm.** It is incumbent on the Principal when approving leave of absence to take account the effect on the service and **whether the member of staff could reasonably have made other arrangements which would not interfere with their duties.** This is particularly relevant in the case of part time staff.

- All absence leave is at the discretion of the CEO/Principal. If the policy is altered the CEO/Principal will inform the Directors/Governors of this change through the Chair of Directors/Chair of Governors



- For staff who have accrued TOIL, there is an expectation that this be used wherever possible to cover leave requests
- For all staff there may also be consideration of whether the leave time can be worked back after the leave has been taken, where this is possible, with the exception of hospital appointments

Applications for leave of absence from employees should always be submitted to the Principal (or designated manager) on the approved leave of absence application form. Principals requiring leave of absence for themselves must apply to the academy's Chair of Governors. The maximum possible notice of proposed absence should always be given.

In cases of extreme necessity, where an employee is compelled to absent themselves without having obtained in writing prior consent the employee must notify the Principal/Chief Executive Officer (or designated manager) at once and complete a leave of absence application from as soon as possible after return to duty.

Where indicated in the regulations, salary will automatically be granted. Any additional leave requested will either be without salary or, at the discretion of the Principal, with salary where indicated.

All applications for leave of absence for reasons not covered by the provisions of the regulations **must** be submitted to the Directors of the Trust or the Academy HR Governors for consideration. These applications outside the provisions of the policy can only be made to the Trust Board/Governing Board in exceptional circumstances, at which time each case will be considered on an individual basis on its own merits.

Policy Agreed: 16th September 2020

Signed CEO:

Signed Chair of Directors:

Policy to be reviewed: March 2022



Appendix A: LEAVE OF ABSENCE REGULATIONS FOR STAFF

Please note this leave allocation is based on full time equivalent.

Reason for Absence	Leave Entitlement		Discretionary Leave Entitlement	
	Period	With/Without Salary	Period	With/Without Salary
Death and Funeral of member of staff's immediate family, father, mother, brother, sister, spouse, residential partner or child	Minimum necessary up to a maximum of five days	With salary	In excess of five days	Where granted without salary but at the discretion of the CEO/Principal
Funerals other than of member of staff's immediate family e.g. grandparents, parent-in-law, brother/sister-in-law	Minimum necessary up to a maximum of one day	With salary	In excess of one day	Where granted without salary but at the discretion of the CEO/Principal
N.B. Except where long distances need to be travelled the normal reasonable requirement is regarded to be one day				
Funerals other	Where granted minimum necessary up to maximum of one day	Without salary		
N.B. Except where long distances need to be travelled the normal reasonable requirement is regarded to be one day				
Weddings of member of staff's immediate family or if attending as bridesmaid or best man	Where granted day of wedding	Without salary	In excess of one day	Where granted without salary but at the discretion of the CEO/Principal
N.B. Leave of Absence to attend own wedding is only granted in exceptional circumstances				
In cases of dependant/close family illness	Minimum necessary up to a maximum of three days in total over the academic year	With salary (for three days per academic year)	In excess of three days in the academic year or where this is the 4th day onwards in the academic year)	Without salary



Attendance at a hospital appointment or similar where the arrangements are beyond the control of the employee and cannot be arranged at a time outside normal working hours.	Minimum necessary to maximum of one day	With salary		
Attendance at a doctor or dental appointment (except for a doctor appointment to undergo regular medical treatment; screening for cancers; anti-natal care; certain minor operations which previously took place in hospitals)	Minimum necessary	Without salary		Use toil where accrued otherwise With salary (at the Principal's discretion where it can be demonstrated that appointment cannot be made at a time outside normal working hours)
N.B. This provision is in respect of appointments for the member of staff only				
Dependent's Leave	Three days in an academic year Frequency at the discretion of Principal			
Parental Leave	Academy parental leave entitlements			
House removal	Minimum necessary up to a maximum of one day	With salary	In excess of one day	Without salary
N.B. Except where long distances need to be travelled leave of absence for house removal will be a maximum of 1 day				
Interview for other post within another academy or FE institution	Minimum period of absence required to be able to attend up to a maximum of two days	With salary	In excess of two days	Without salary
Interview for any other post	Minimum period of absence required to be able to attend up to a maximum of two days	Without salary unless the employee is at risk of redundancy then salary will be paid		



Service in Non-Regular Forces	As may be necessary up to a maximum of 10 working days	Without salary		
Transport Failure	As may be unavoidably necessary	With salary		
N.B. Once it has become known that normal transport arrangements have failed staff are expected to immediately take steps to use alternative forms of transport. Only where all options have been exhausted and failed will this be considered.				
Holiday with residential partner	As may be considered reasonable at the Principal's discretion	Without salary		
N.B. This provision is intended to meet cases where the employee's residential partner is compelled to take his or her main holiday during term-time for such reasons as staggering of holidays in industry. Leave for short industrial breaks should not be approved.				
Significant Award to self or member of immediate family e.g. University Graduation Ceremony, National Honours	One day	With salary	In excess of one day	Without salary
Sitting for an approved examination	Minimum period required to attend examination	With salary		
Studying for an examination related to work as a teacher or associate staff member or approved examination	Half a day per paper on days immediately prior to examination	With salary	In excess of half a day per paper	Without salary
Attendance at a religious ceremony or religious observance	One day	With salary	In excess of one day	Use toil where accrued otherwise without salary at the Principal's discretion



a) Witness at court or Jury Service	As may be required	With salary (no claim for loss of earnings to be made under Jurors' Allowances Regulations or other similar regulations).		
b) Petitioner e.g. child custody or related matters.	As may be required	Defendant without pay.		
c) Defendant	Without pay			
Attendance at examiners' meetings or undertaking duties for educational bodies not connected with the work of the academy or college	Pre-agreed with Line Manager	With salary only if reimbursed by Exam Board		
Delegate of Professional Association at conference or meeting of executive or other National Committees of Association	Pre-agreed with Line Manager	With salary except where pursuit of industrial action		
Accompanying a colleague as a representative at a disciplinary or grievance meeting	Pre-agreed with Line Manager	With salary		
Duties of Justice of the Peace	As may be necessary up to 30 half days annually	With salary		
N.B. Salary will be reduced by the amount of the financial loss allowance claimable from the court				
Attendance at a Board of Governors at another institution	Pre-agreed with Line Manager	Without salary		
Accompanying child for interview/academy or college	As may be necessary	Without salary		
Visit to a new academy after appointment	One day	With salary (in negotiation with new employer)	In excess of one day	Where agreed without salary
Driving Test	Up to half a day	Without salary		



Exceed Learning Partnership

• EVERY CHILD • EVERY CHANCE • EVERY DAY •

Employees who are Disabled within the meaning of the DDA to undertake treatment, assessment and rehabilitation which cannot be arranged in employee's own time	As required and reasonable	With salary		
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