



## LEAVE OF ABSENCE POLICY

- 1.1** Truro and Penwith Academy Trust acknowledges that there will be occasions when employees will need to request leave for domestic and personal matters, or are required to be absent from duty for essential civil and public duties. The purpose of this policy is to clarify the conditions and approach under which leave of absence may be requested and taken, to ensure a fair and consistent approach to requests for leave of absence and to establish clear guidelines. The Academy will act within the law at all times when complying with statutory entitlements to leave of absence.
- 1.2** Equality and Diversity: The Trust treats equality of opportunity seriously and has a clear and transparent policy that is applicable to staff, in order to promote and ensure equality of opportunity. All staff are required to read and understand this procedure.

## 2. INTRODUCTION

- 2.1** Any leave of absence taken by school employees causes disruption to learning, requires additional organisation and incurs additional cost. Whilst the Academy Trust understands and accepts that certain circumstances mean it is necessary to request leave, employees are asked to note that they have a contractual obligation to work during the school term. Employees are therefore requested to be mindful of this obligation, and as far as reasonably practicable should minimise the need to request leave.
- 2.2** This Policy applies to requests for leave from work for the following reasons:
- Compassionate Leave
  - Family Emergencies
  - Domestic Emergencies
  - Public Duties
  - Jury Service/Witness Duty
  - Service in the Volunteer Reserve Forces
  - Other Leave
- 2.3** Other requests for leave - for example, Maternity/Adoption leave, Paternity/Maternity Support Leave, Parental Leave will be dealt with by other policies.
- 2.4** Please note that none of the leave provisions outlined below form part of a contractual entitlement and may be amended, withdrawn or varied at the discretion of the Academy Trust.
- 2.5** All requests for leave must be put in writing to the Headteacher or in their absence to the Senior Deputy Headteacher or equivalent). 10 days' notice as a minimum is required for planned leave (non-emergency).

- 2.6** When considering requests, the Headteacher will consider both the individual circumstances of the employee and the impact of the absence on the pupils and the school. It should be clear to employees that previous decisions will not set a precedent for future decisions and that all requests will be considered sensitively and confidentially.
- 2.7** Whilst every effort will be made to accommodate requests where possible, employees should note that there may be occasions where the Headteacher will not be able to agree the leave and the request will be declined.
- 2.8** Leave of absence may be paid or unpaid.

### **3. COMPASSIONATE LEAVE**

- 3.1** Whilst there is no contractual right to compassionate leave, the Academy Trust want to provide support to staff when they need it. The Headteacher will consider agreeing paid absence for a period of up to 3 days to allow members of staff to attend to matters relating to the death or serious illness of a close relative. It should be noted that the period of 3 days is a guideline for staff, however further compassionate leave may be granted by the Headteacher who will consider, on a case by case basis, granting further paid or unpaid leave depending on circumstances.
- 3.2** Should the need for time off continue after the initial agreed period of compassionate leave, other options may be considered with the member of staff, which may include unpaid leave.
- 3.3** Other circumstances: 1 day's paid leave may be agreed to organise and/or attend a funeral, This is a guideline for staff, however as above, further compassionate leave may be granted by the Headteacher on a case by case basis.
- 3.4** Applying for Compassionate Leave: Staff must notify the School as soon as is reasonably practicable as to the reason for their absence, and with how long they expect to be away.

### **4. FAMILY EMERGENCIES**

- 4.1** Time off for dependents: the employee must inform the Headteacher and Cover Coordinator of the reason for their absence and how long they expect to be absent as soon as is reasonable practical i.e. where possible, by 7.30 am. If the member of staff needs to leave work during a working day, a member of the Leadership Team must be consulted.
- 4.2** A dependant may be a partner, child or parent, or someone who lives with the member of staff as part of their family, e.g. a grandparent. In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the member of staff for assistance or where they are the primary carer.

- 4.3** All employees are entitled to take a reasonable amount of unpaid time off during working hours to take action necessary in connection with one or more of the following:
- To provide assistance when a dependant falls ill, gives birth, is injured or assaulted
  - To make longer-term arrangements for a dependant who is ill or injured
  - An unexpected incident involving a child of the member of staff when the child is at an educational establishment
  - When there is an unexpected disruption or breakdown in care arrangements for a dependant
- 4.4** Leave arrangements: Under this statutory regulation the Headteacher may agree unpaid absence to enable the member of staff to attend to matters relating to family emergencies. It is anticipated that any leave given would be unpaid and generally expected to be 1-2 days at the most, although the amount of leave which may be approved will depend on the circumstances.
- 4.5** Applying for leave: The member of staff must notify the School as soon as is reasonably practicable as to the reason for their absence and how long they expect to be away.

## **5. DOMESTIC EMERGENCIES**

- 5.1** The Academy Trust does understand that a member of staff may need to ask to take a reasonable period of time off work to deal with a genuine domestic emergency.
- 5.2** What is considered a 'domestic emergency'? Examples of some situations which may be considered an 'emergency' are: burglary, vehicle theft, vehicle accident, emergency repairs to the home after flooding or fire.
- 5.3** Leave arrangements: There is no statutory right to paid leave to deal with domestic emergencies, and it is anticipated that any leave given would be unpaid and generally expected to be 1 working day, although the amount of leave which may be approved will depend on the circumstances.
- 5.4** Applying for leave: The member of staff must notify the School as soon as is reasonably practicable as to the reason for their absence and how long they expect to be away.

## **6 PUBLIC DUTIES**

- 6.1** Members of staff who hold certain positions are entitled to reasonable unpaid leave during working hours to carry out certain public duties with the prior approval of their line manager e.g. Magisterial, a member of the Police authority, Health authority, NHS Academy, Local Authority, Board of Visitors (Prisoners), School Governors, Local Council duties Environmental Agencies or Statutory Tribunal. What is considered under public duties? This includes e.g. Magisterial, a

member of the Police authority, Health authority, NHS Academy, Local Authority, Board of Visitors (Prisoners), School Governors, Local Council duties Environmental Agencies or Statutory Tribunal.

- 6.2** Staff can take reasonable time off during working hours to carry out these duties with the prior approval of their line manager e.g. attend meetings of the body or any of its committees or sub-committees, to perform duties approved by the body for the purpose of discharging its functions or those of any of its committees or sub-committees. New starters who already hold a position within a relevant public body, or members of staff who take up such a position, should provide written notification to the Headteacher upon doing so.
- 6.3** Leave arrangements: Under this statutory regulation the Headteacher may agree a period of unpaid absence to allow the staff member to fulfil these duties, based on:
- how long the duties may take
  - the amount of time off the employee has already taken for public duties
  - how the time off will impact on the school, its day to day running and the pupils.
- 6.4** Applying for leave: The employee should give the School as much notice as possible of any duties/training for which they wish to take leave. Leave requested at short notice may not be granted.

## **7. JURY SERVICE/WITNESS DUTY**

- 7.1** The Academy Trust will support members of staff who are called up for Jury Service/Witness Duty and they will be entitled to paid leave to attend court for periods of up to four weeks unless they are granted exemption from attendance. As they will be paid their full salary there will be no requirement for members of staff to claim loss of earnings from the Court.
- 7.2** Staff allocated to cases which are expected to extend beyond four weeks, should claim for loss of earnings up to the daily permitted maximum amount. Prior to commencing Jury Service/Witness Duty, the Court Service will provide the individual with a 'Loss of Earnings' form. If allocated to a case which is expected to extend beyond four weeks the member of staff should pass this form to their line manager, who will check the daily pay of the individual with the Payroll Team, and complete the 'Loss of Earnings' form for the appropriate amount.
- 7.3** Leave arrangements: During the period in which a member of staff is attending court, they will be expected to attend work on any full day when they are not required in court. Where a member of staff is not required in court for part of a day, they will be expected to attend work if it is reasonably practicable for them to do so (for example, taking into consideration travel from the court to work or vice versa).
- 7.4** Applying for leave: As soon as a member of staff receives notification that they are required to attend court they should inform the School. This will also ensure that, where necessary, arrangements can be made to cover their absence.

## **8. SERVICE IN THE VOLUNTEER RESERVE FORCES**

- 8.1** The Academy Trust values the experience and skills gained by members of staff who are reservists and although there is no statutory right to leave, the Headteacher may therefore grant either paid or unpaid leave, or a combination of both.
- 8.2** Notification of membership of the Reserve Forces: Under the Employer Notification procedure (established April 2004) anyone who joins the Reserve Forces, or seeks to renew their commitment, must permit the Ministry of Defence to contact the Academy Trust directly to confirm this. New members of staff should give written notification to their Headteacher that they are members of the Reserve Forces. Existing members of staff who wish to become reservists should provide similar notification.
- 8.3** Leave arrangements: The Academy Trust will consider paying up to 5 days of leave (pro-rata for part time staff) within any 12 month period (commencing on the first day of leave). Any other reasonable leave requested in excess of these days, will be considered by the Headteacher and if approved could be on a paid or unpaid basis.
- 8.4** Applying for leave: Members of staff should give the Headteacher as much notice as possible of any duties/training for which they wish to take leave.
- 8.5** Arrangements in the event of Mobilisation: Mobilisation is the process of calling Reservists into full-time service with the Regular Forces to play an essential part in military operations. Under the provisions of the Reserve Forces Act 1996 all Reservists are committed to this possibility if required.
- 8.6** Although there is no statutory requirement for a warning period prior to mobilisation, the Services aim to give employers and their Reservist member of staff a full 28 days' notice of the date when they must report for duty. However, in the event of short-notice operational mobilisation, as little as 7 days' notice may be given. The total period of mobilisation can range from 3 months or less up to a maximum of 12 months. It is anticipated that the member of staff will be placed on unpaid leave and they should inform the Headteacher of how long the mobilisation period is likely to last if this is known. If this information is not available, decisions will be made on the assumption of the twelve month maximum period.

## **9. OTHER LEAVE**

- 9.1** Any member of staff may apply for leave from the Academy Trust regardless of role and length of service, for reasons not covered elsewhere in this policy. There is no statutory right to leave in these cases, but where possible the Academy Trust wants to support staff with reasonable requests.
- 9.2** Some common requests for leave are listed below. This is not intended to be an exhaustive list and other requests may be made. This leave is at the discretion of the Headteacher and requests will be considered on an unpaid basis, depending on the feasibility of covering operational duties.

- Graduation ceremony (own or children/dependants) – 1 day
- External Interviews - 1 day
- Religious festival attendance
- Selection for County/National teams

**9.3 Medical treatment:**

- Some hospital appointments may unavoidably be scheduled within school hours, in which case the necessary time will be given with pay.
- Optician and dental appointments – should be made outside school hours, except in an emergency, in which case necessary time will be given with pay.
- Elective surgery – should be made outside the school terms. If this is unavoidable the request will be considered on an unpaid basis .

**9.4 Extended period of absence:**

- Requests for an extended period of leave, including leave for sabbaticals, exchanges, training, pilgrimages and voluntary work, should be by written application to the Headteacher giving at least a full term’s notice and preferably as much notice as possible. If agreed, any leave given will be unpaid.

**9.5 Applying for leave:** The member of staff must notify the School as soon as is reasonably practicable as to the reason for their absence and how long they expect to be away.

**Policy status and review**

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|-----------------------|----------------------------|
| <b>Written by:</b>    | Chief Executive            |
| <b>Status:</b>        | FINAL                      |
| <b>Approval date:</b> | 11 <sup>th</sup> July 2017 |
| <b>Review Date:</b>   | September 2019             |