



STAFF LEAVE OF ABSENCE POLICY

V3

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1.0 Policy Statement

- 1.1 As a people-first organisation, we know that an equitable, fair and transparent Leave of Absence policy contributes to high staff morale through promoting the health and wellbeing of all. Highly effective teams who feel equally valued in turn, leads to effective support for our students and our schools.
- 1.2 An integral part of the success of our schools is the excellent attendance of both students and staff.
- 1.3 We recognise that staff absence may be unavoidably required for a variety of reasons including compassionate grounds, religious, personal or professional reasons.
- 1.4 Leave of absence requests that are not subject to statutory provision are at our Trust's discretion.
- 1.5 High levels of absence among staff can pose a serious problem for our schools/central functions in terms of teaching and learning and other trust work.
- 1.6 Requests for leave of absence from teachers and term time only staff for the purpose of taking holidays and/or contributing to holidays will not be granted. We expect that teachers and term time only staff will arrange their holidays during school closure periods.
- 1.7 All periods of leave of absence will be recorded and considered running from 1 September to 31 August.
- 1.8 Where there is evidence that an employee has abused the provision for time off they may be subject to disciplinary proceedings in line with our Trust's Disciplinary Procedure.
- 1.9 This procedure does not form part of any employee's contract of employment, and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.
- 1.10 The policy has been implemented following consultation with recognised trade unions. It has been formally adopted by the Trust Board.
- 1.11 **Leave of absence is not an entitlement to a number of days off per year.** The purpose of leave of absence is to ensure that employees are able to manage particular circumstances that may occur in their lives where it is not possible to arrange these during school holiday periods and time off may be required. **It is expected that requests will only be made for leave of absence in term time once other possible alternatives have been considered.**

It is also important to bear in mind that such entitlements must be considered against the overall working arrangements of the school/function, and in particular, the need for arrangements to be made to cover such absences.

2.0 Scope and Purpose

- 2.1 The purpose of this policy is to ensure that employees within the organisation understand how requests for leave will be considered. It will also ensure that staff across our organisation are treated in a fair and consistent way when requesting time away from work.
- 2.2 The procedure applies to all employees regardless of length of service. It does not apply to agency workers.
- 2.3 This procedure is used to deal with requests for absence from work for the reasons contained within this policy. It does not cover requests for flexible working, maternity, paternity, parental or adoption leave, as they are dealt with under separate policies that can be found on our Trust's website.

3.0 Overarching Principles

3.1 A dependent for the purposes of this policy is:

1. An employee's spouse, civil partner, parent or child; or
2. A person who lives in the same household as the employee, but who is not their tenant, lodger, boarder, or employee; or
3. Anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 5.8.

3.2 A close relative for the purposes of this policy is:

- Wife/Husband/Partner/Civil Partner
- Son/Daughter/Child (whatever their age)/ Stepchild
- Mother/Father/Parent
- Stepmother/Stepfather/Stepparent
- Mother-in-law/Father-in-law/Parent-in-law
- Brother/Sister/Sibling
- Stepbrother/Stepsister/Stepsibling
- Grandmother/Grandfather/Grandparent
- Grandchild

3.3 Definition of 'parent' in parental bereavement leave (PBL)

Includes birth parents, adoptive parents, individuals who are fostering to adopt, legal guardians, most foster parents, (excluding short term and emergency foster care), intended parents under a surrogacy arrangement, looks after the child in your home other than a paid carer and have done so for at least 4 weeks and parents who suffer a still birth after 24 weeks or more into pregnancy.

4.0 Procedure for considering requests for planned leave of absence

4.1 Process for making requests

Beckfoot Trust recognises that it may not always be possible to request certain types of leave in advance, for example, bereavement leave, compassionate leave and leave in emergency situations. Where it is not possible to request leave in advance employees should contact the Headteacher/Executive Leader as soon as possible to tell them the reason for the absence and the number of days leave that they anticipate being absent. The Headteacher/Executive Leader will then discuss the situation with you and agree next steps. You should speak with the Headteacher/Executive Leader before logging the absence request on Every.

4.1.1 Employees should ensure that other than in emergency situations they make their request for leave in advance to enable our Trust to consider the request carefully and to ensure that cover can be implemented where required.

4.1.2 Employees should make a request for leave of absence on the EVERY portal.

4.1.3 Plans or arrangements for the time off should not be made by the employee until they have received a decision in relation to their request and their request is granted, if appropriate.

4.2 Considering leave of absence requests

4.2.1 A reply will be returned to you when a decision has been made. Please note that in all cases the decision to agree to a request will be made in line with this policy and the needs of the school/central function.

4.2.2 Appeals

Where a request is refused, you may appeal. The appeal should be made in writing within 5 working days of the original decision being given, stating the grounds for the appeal. The appeal will be considered by the Executive Headteacher (schools) / Senior Executive Leader (central staff)

4.3 Unpaid leave

4.3.1 The methods used for the calculation of adjustments to pay during periods of leave of absence without pay are contained in the relevant conditions of service, applying to teachers (STPCD) and support staff (Green Book).

4.4 Unauthorised leave of absence

4.4.1 Should you take leave that has not been authorised you may be subject to disciplinary proceedings under our Disciplinary Procedure and deductions from pay made for any unauthorised leave that was paid.

5.0 Guidance on Statutory Entitlements to Leave of Absence

5.1 Time off to accompany a colleague to a discipline, grievance or flexible working hearing

(Employment Rights Act 1999)

5.1.1 Employees and trade union representatives have the legal right to take paid time off work to accompany colleagues of the same employer to disciplinary and grievance hearings.

5.2 Time off for job hunting or to arrange training when facing redundancy

(Employment Rights Act 1996)

5.2.1 Employees who have been identified by the Trust as redundant will be allowed time off during working hours to support them with securing alternative employment or to arrange training for future employment.

5.3 Time off for Trade Union duties (including Union Learning Representatives) and for Safety Representatives

(Employment Act 2002)

5.3.1 Employees carrying out these roles are entitled to reasonable paid time off work to undertake those duties and to undergo training.

5.3.2 Union members have a right to reasonable unpaid time off when taking part in trade union activities.

5.3.3 A trade union representative means an officer of the union or an employee elected or appointed in accordance with the union's rules to be a representative of union members in the workplace.

5.4 Time off for occupational pension scheme Trustees and Directors of Trustee companies

(Employment Rights Act 1996)

5.4.1 Employees who are Trustees of an occupational pension scheme or Directors of Trustee companies are entitled to reasonable time off with pay to carry out any of their trustee duties or to be trained for those duties.

5.5 Severe weather and disruptions to public transport

5.5.1 Beckfoot Trust recognise that employees may face difficulties travelling to and from the workplace during severe weather conditions or when there are major disruptions to public transport (this is not in circumstances of a high volume of traffic or normal disruption to public transport). If your normal mode of transport cannot be used to get to work, you should explore alternative means of safe transport.

5.5.2 Although we expect you to make a reasonable effort to attend work in all circumstances, it is not our intention for you to put yourself at unnecessary risk. However, at the same time we must also ensure that any disruption remains minimal.

5.5.3 Lateness

- If you realise that, due to severe weather conditions or disruptions to public transport, you are likely to be late for work, you must telephone the school/line manager as soon as possible to explain the situation and give an estimate of when you expect to arrive at work.
- If the lateness amounts to half your normal working day or more, the arrangements set out below in relation to absence will apply.

5.5.4 Absence

- Where the Headteacher/Executive Leader is satisfied that you have made every reasonable effort to attend work but have been unable to do so due to severe weather conditions or public transport disruptions, you will be paid your normal pay for the day if you are able to work remotely.
- Where it is not possible to accommodate a remote working arrangement, you will be entitled to take the day as unpaid leave.

5.5.5 Childcare provision (school or nursery) closures

Where schools or nurseries close due to bad weather or public transport and you are unexpectedly required to provide or arrange care for a dependant, the Dependants (time off for) section will apply.

5.5.6 School closure

The Headteacher may decide to temporarily close the school in extreme cases of bad weather or disruptions to public transport. If this is necessary, we will inform you as soon as possible. You will be paid your normal pay during the period of closure.

5.5.7 Leaving work early

The Headteacher will decide on a case-by-case basis if, due to severe weather conditions or disruptions to public transport, it is appropriate for you to leave work early, taking into account your individual circumstances (for example, where you live and your mode of transport) and the needs of the organisation. In such cases you will be paid your normal pay. The Headteacher/Executive Leader will ensure that all staff are given clarity on any work to be undertaken.

5.6 Attendance at Court Proceedings

(Juries Act 1974)

5.6.1 Jury Service

Employees should tell the Headteacher/Executive Leader as soon as they are summoned for jury service and provide a copy of the summons if requested.

Depending on the demands of the Trust, we may request that the employee applies to be excused from or have the jury service deferred.

There is no statutory requirement to pay employees while they are absent on jury service. You will be paid whilst absent from jury service if you claim from the court the expenses and loss of earnings that you are entitled to claim. The loss of earnings amount will be used to offset lost earnings.

5.6.2 Witness summonses

Employees subject to a witness summons either in a criminal case or a civil case, or for the custody of children will be allowed paid time off work to attend court. Where loss of earnings are paid, the employee must claim and pay the allowance to Beckfoot Trust.

For court proceedings other than the above, where the employee is the defendant, 1 day will be granted without pay.

5.7 Time off for medical appointments

- 5.7.1 Employees are expected to make routine medical appointments on their non-working days/outside working hours. Where it can be demonstrated that it is not possible to obtain appointments outside of working hours the Headteacher/Executive Leader will grant unpaid time off for reasons of the personal health and welfare of an employee. For example, visits to a doctor, dentist, optician, and clinic. Should there be frequent absence (more than 1 instance per half term) due to appointments of this nature, a meeting will be arranged to discuss.
- 5.7.2 For employees who have a disability as defined by the Equality Act 2010, paid time off to attend medical appointments will be granted where the employee is not able to attend on non-working days/outside of working hours in line with our duty as an employer to make reasonable adjustments.
- 5.7.3 Emergency doctor's and dentist's appointments that cannot take place outside of working hours will be paid.
- 5.7.4 Medical appointments related to industrial injury will be with pay.
- 5.7.5 Hospital appointments that cannot take place outside of working hours will be paid.
- 5.7.6 All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments will be paid.
- 5.7.7 Employees who donate blood or other medical tissue are encouraged to do this outside of working hours. Where this is not possible, requests for time off to attend these appointments will be considered under this policy.
- 5.7.8 Requests for time off for medical appointments in relation to adoption or pregnancy will be considered under the Trust's Maternity, Paternity, Adoption, parental and Shared Parental leave policy that covers these circumstances.
- 5.7.9 Wherever possible, employees personally undergoing fertility treatment should arrange their appointments outside of working hours. Where this is not possible, a member of staff may be granted up to 5 working days paid leave in any 12 month period for the purpose of receiving and recovering from IVF treatment and to attend appointments specifically associated with the IVF process i.e. collection and delivery of eggs, monitoring tests etc.

Should the member of staff require time off because of the side effects of the treatment, it will be subject to the normal sickness absence management. Sickness absence associated with IVF will not be regarded as 'pregnancy-related'.

We expect employees to provide evidence of their requirement to attend any medical appointments during working hours.

5.8 Time off for dependants

(Employment Rights Act 1996, as amended by the Employment Relations Act 1999)

- 5.8.1 The law recognises, and we respect that there will be occasions when you will need to take time off work to deal with unexpected events involving one of your dependants. Up to 2 days paid leave of absence may be granted per year to care for a dependant (as defined in 3.1). All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:
- Provide assistance when a dependant falls ill, gives birth, is injured or assaulted
 - Make longer-term care arrangements for a dependant who is ill or injured
 - Take action required in consequence of the death of a dependant

- Deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or
- Deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

5.8.2 Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis, and it is necessary to take action in relation to a dependent. This will depend on the nature of the problem, the closeness of the relationship between you, and whether someone else is available to assist. Reasonable time off will not normally be more than 1 or possibly 2 days and in most cases will be less than a day. However, we will always consider each set of circumstances on their facts.

5.8.3 You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you inform tell the Headteacher/Executive Leader:

- The reason for your absence; and
- How long you expect to be away from work.

5.8.4 Carer's leave

Employees have a statutory right to take 5 working days of unpaid leave in any rolling 12-month period to provide or arrange care for a dependent with a long-term need. This applies from the commencement of employment with our Trust.

A long-term need is defined as:

- Illness or injury (physical or mental) that requires, or is likely to require, care for more than three months
- A disability for the purposes of the Equality Act 2010
- Requiring care for a reason connected with old age

5.8.5 A dependant for the purposes of this policy is defined in section 3.1.

5.8.6 The minimum amount of Carer's Leave an employee can request in a 12-month rolling period is half a working day. The maximum period of leave that can be requested is one week. The days requested do not have to be consecutive.

5.8.7 Employees must give either twice as many days' notice as the length of leave being requested, or 3 days' notice (whichever is the longer).

5.8.9 We will postpone your carer's leave if the running of the school/function will be unduly disrupted by your absence. However, you will be permitted to take the requested amount of leave within one month of your original request. If leave is postponed, this will be confirmed in writing within seven days of your request in a written counter notice. This will explain the reason for the postponement and the revised dates that Carer's Leave can be taken.

5.9 Time off for religious observance

5.9.1 Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to 3 days leave with pay. The days can be taken only for the purpose of attendance at a religious ceremony or for observation of a religious festival, which the employee is under a moral obligation to attend or observe by reason of their membership of, or office in, a church or religious order. If the religious ceremony or festival falls at a weekend the time off is not transferable to the following working day.

5.9.2 Employees should provide the Headteacher/Executive Leader with a leave request as soon as they are able to and no later than 10 working days before the date of the requested leave. Where the exact date of absence is not known at the time of request, this can be confirmed at a later date.

5.10 Time off for extended religious observance

5.10.1 Any request made for a substantial period of leave in order to carry out religious obligations for members of any religion will be considered on the same basis as set out in this policy.

5.10.2 Beckfoot Trust is committed to providing high quality education whilst having a balanced approach to the religious needs of its staff. Staff requests for extended religious observance leave will be considered according to the following criteria:

- In order to minimise any possible disruption to colleagues and students, staff wishing to apply for extended religious observance leave will notify the Headteacher/Executive Leader in writing as soon as possible.
- In order to balance the needs of students and the needs of staff, unpaid leave will be granted subject to the school/central function's ability to release staff without an adverse impact on service delivery.

5.10.3 All staff will be considered with fairness irrespective of their professional status within Beckfoot Trust.

5.10.4 The initial decision on whether or not to grant exceptional leave will be made by the Headteacher (school) or Executive Leader (central staff) who will consider the written application made by the staff member. Any appeal against the decision will be heard by the Executive Headteacher (school) or Executive Leader (central staff).

5.10.5 The staff member may put their case in person to the Executive Headteacher (school) or Executive Leader (central staff), assisted by a trade union representative or a work colleague.

5.10.6 The Headteacher or Executive Leader may present the management case to the Executive Headteacher or Senior Executive Leader.

5.10.7 In accordance with our Trust's overall policy on leave of absence, staff should not book tickets before leave has been approved.

5.11 Time off for public duties and activities (Employment Rights Act 1996)

5.11.1 The Trust supports employees to perform certain public duties that they may be committed to undertake and will give them time off to do so where it does not conflict with the operational needs of the school / team. The Trust is not obliged to grant employees paid leave for these purposes. The circumstances in which we are prepared to do so are set out below.

5.11.2 Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties. All employees may be granted up to 5 days' paid leave to perform voluntary public service duties. Any additional leave will be granted on an unpaid basis subject to the exercise of our discretion to grant further paid leave.

5.11.3 Public service duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School/Academy/Trust governor

5.11.4 If you are unsure whether a public service that you perform is covered by this policy, you should speak to the Headteacher/Executive Leader.

5.11.5 As soon as you are aware that you will require time off for performance of a public service you should notify the Headteacher/Executive Leader.

5.11.6 The Trust will agree to requests for time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy. If it is not possible to accept a request, you will be given written reasons for our decision.

5.11.7 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 organisation.

5.12 Parental bereavement leave

5.12.1 Up to 2 weeks parental bereavement leave (PBL) for parents, with parental responsibility, to help them cope with the death of a child under the age of 18 years will be granted. This includes birth parents, adoptive parents, individuals who are fostering to adopt, legal guardians, most foster parents, (excluding short term and emergency foster care), intended parents under a surrogacy arrangement, those who look after the child in their home other than a paid carer and have done so for at least 4 weeks and parents who suffer a still birth after 24 weeks or more into pregnancy. There is no minimum service requirement for eligibility to take this leave.

5.12.2 Employees may be entitled to statutory parental bereavement pay (SPBP) for parental bereavement leave if they meet the below criteria:

- Have 26 weeks continuous service with the organisation ending on the Saturday before the child died.
- Have normal weekly earnings in the eight weeks up to the week before the child death that are not less than the lower earnings limit for NI contributions.

5.12.3 Parental bereavement leave will be granted as a single block of 2 weeks or 2 separate blocks of 1 week at different times. This leave must be taken within 56 weeks of the loss of the child.

5.12.4 If parental bereavement leave is taken straight away and during the first 8 weeks after the child has died, there is no requirement to give advance notice of PBL. However, employees should make contact with the Headteacher/Executive Leader to inform of the reason for their absence.

5.12.5 Any parental bereavement leave taken after the initial period will be subject to at least 1 week's notice.

5.12.6 Entitlement to maternity leave and pay is not affected if a child has died or been stillborn. Maternity leave can be taken in addition to parental bereavement leave.

5.13 Time off to visit relatives abroad - Extended leave

5.13.1 It is recognised that some employees have close relatives abroad whom they may wish to visit from an extended period. In such circumstances, an employee may request to take an extended period of unpaid leave. All requests will be considered taking into account both the needs of the staff member and the needs of the school/function. Staff are requested to arrange any extended leave to coincide with the main periods of school closure. If the period of leave would cause particular difficulty for the school/function the request may be refused or the staff member asked to reconsider the period for which leave has been requested.

5.14 Secondments, extended leave of absence, career breaks and extended study leave

5.14.1 In the event that an employee requests an extended period of unpaid leave, the Headteacher/Executive Leader will consider the request taking into account any financial, organisational or educational effects on the school and/or team, and the circumstances and reasons given by the individual. The Headteacher/Executive Leader will seek advice from the central HR team where necessary.

5.14.2 Beckfoot Trust will not normally approve absences of more than two years in length and may require that the dates of commencement and ending are consistent with the practicalities of recruiting temporary cover staff.

6.0 Leave of Absence Schedule

Leave will normally be granted in accordance with the following schedule. Discretion lies with the Executive Leader/Headteacher in the first instance.

See Appendix 1.

7.0 Retention and Data Protection

Through the application of this policy, Beckfoot Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Procedures and in line with the requirements of the Data Protection Legislation.

8.0 Review of Policy

This policy is reviewed and amended every two years by the Executive and in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1: Schedule for Leave of Absence

Reason for absence	Maximum period of absence (school days)	
Death of a close relative (see section 3.2 for definition). <i>Children are covered by parental bereavement.</i>	Up to 5 days	With pay
Death of any other relative or close friend	Up to 2 days	Without pay
Funeral of a close relative or close friend	1 day in any 12 months	With pay
Funeral of another relative (other than close relative) and friend	1 day in any 12 months	Without pay
Other bereavement leave or compassionate leave to deal with arrangements for, or assist a close relative/close friend who is seriously or critically ill. Or other traumatic event/personal circumstances.	Up to 5 days	With pay
Carer's leave to deal with arrangements for, or assist a close relative who is seriously or critically ill	Up to 5 days in any 12 months	Without pay
Care of dependant	Up to 2 days in any 12 months	With pay
Wedding/civil partnership of a close relative or close friend	1 day in any 12 months	With pay
Wedding/civil partnership of a relative (other than close relative) and friend	1 day in any 12 months	Without pay
Jury service	As defined by court	With pay (employee must claim an allowance from Court)
Attendance at job interviews	Up to 3 job interviews in any 12 months	With pay
Professional examination duties The Trust will authorise leave for teachers to undertake professional duties in connection with GCSE, GCE A Level and other public examinations in line with the provisions of the Burgundy Book (Section 6).	As necessary	See Burgundy Book Section 6 for details of how the school may be reimbursed when a teacher has to be released.

Attendance for examinations (directly related to the employee's job) Will not be approved where not directly related to employee's job.	Up to 3 days in any 12 months	With pay
Reserve forces duties	Up to 5 days And remainder	With pay Without pay
School Governor Activities (excluding attending standard LGB or Committee meetings) to include statutory governor visits, hearings or attending Ofsted inspections.	Full day equivalent to be taken as required	With pay
Attendance at a religious ceremony or observation of religious festival which the staff member is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order.	Up to 3 days per year for the festival day only provided that the Trust has not made the decision to close and/or that the festival does not fall over a weekend (excluding preparation, travel time, and events that fall on the non-festival date)	With pay
Moving house	1 day in any 12 months Only provided if move does not take place at the weekend or during school holidays for teachers and term-time only staff.	With pay
Special event The Trust recognises that in exceptional circumstances there will be special events in an employee's family life that cannot be arranged outside normal working days e.g. graduation ceremonies	1 day in any 12 months	With pay
Other urgent or private family business. <i>Such as to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc.</i>	Up to 1 day in any 12 months	Without pay
Attendance of father/partner at the birth of their child <i>NOTE: this leave is only applicable to a person who does not qualify for paternity leave.</i>	Up to 2 days in any 12 months	With pay