



Wessex
Learning Trust
We Learn Together!

Staff Leave of Absence Policy

Date approved by Trust Board: October 2019
Review Date: September 2022

Station Road, Cheddar, Somerset BS27 3AQ Telephone: 01934 745363
Email: office@wessexlearningtrust.co.uk www.wessexlearningtrust.co.uk
Wessex Learning Trust. Registered in England. Company Number 7348580.

Wessex Learning Trust

Staff Leave of Absence Policy

This policy will be reviewed by the Board of Directors every three years or earlier if legislation requires it. The last review of this policy included a consultation with staff and trade union representatives. Any review will also be made in consultation with staff and trade union representatives.

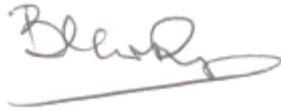


Signature:

Name: Mr Gavin Ball

Position: Chief Executive

Date: 14 October 2019



Signature:

Name: Mr Brian Kirkup

Position: Chair of the Board

Date: 14 October 2019

Contents

1. Introduction
2. Scope and Purpose of the Policy
3. Process for making requests
4. Bereavement leave and compassionate leave
5. Funerals
6. Dependents (Time off for)
7. Domestic, Personal and Family Reasons
8. Health & Welfare
9. Interviews
10. Time off for public duties
11. Reserve Forces Duties
12. Professional Examination Duties
13. Study and Sitting Examinations
14. Redundancy – support for job seeking
15. Religious Festivals
16. Time off for Adverse Weather Conditions
17. Time off for Trade union duties and activities

Appendices

1. Request for Leave of Absence Form

1. Introduction

1.1 The Wessex Learning Trust (WLT) values its employees and notes that there may be times when an individual requires a period of time off work for personal, family or other reasons.

1.2 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 all other possible alternatives have been considered.

1.3 The amount of leave of absence granted and reasons for doing so can differ between teaching and support staff and from one employee to another. It is also important to bear in mind that such entitlements 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. An employee's attendance and disciplinary record may also be taken in to consideration where appropriate. Overall, any leave of absence granted has to be balanced with the main objective of educating children.

1.4 All periods of leave of absence will be recorded and considered in an academic year starting from 1 September annually. Any employee who is suspected to have abused the provision for time off may be subject to disciplinary proceedings in line with the Trust's Disciplinary Policy. Monitoring of leave approved (paid and unpaid) and not approved will be undertaken by the Chief Operating Officer to ensure the policy is being applied consistently. If leave of absence with pay is not granted, this does not give automatic right to have unpaid leave.

1.5 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. However, proposed amendments will be consulted with staff and trade unions beforehand.

2. Scope and Purpose

2.1 The purpose of this policy is to ensure that employees within the Trust understand how requests for leave will be considered by their Headteacher. It will also ensure that staff across the Trust 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 including staff in their probationary period. 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. Information on these can be found in the relevant Trust policy which can be found at any Trust school's intranet/internet.

3. Process for Making Requests

3.1 The 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 their

Headteacher 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 will then discuss the request with the member of staff and agree next steps.

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

3.3 Employees should make a request by completing the Request for Leave of Absence Form at Appendix 1 and giving it to their Headteacher. Where a Head of School is in place, the Leave of Absence Form should be passed to the Executive Headteacher. For Headteachers and Executive Headteachers, the form should be passed to the Chief Executive. The Trust Board will monitor leave requests for the Chief Executive. The form will be completed and returned to the employee within five working days. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the Headteacher. Where a request is refused, the form will include written reasons for the refusal. If the employee is dissatisfied with the decision of their Headteacher, they may appeal to the Executive Headteacher.

3.4 An employee who wishes to appeal the decision of their Headteacher may write to the Chief Executive stating the reason for their appeal and enclosing a copy of the Request for Leave of Absence Form together with their Headteacher's reason. The Chief Executive or Chief Operating Officer or Trust HR Manager will meet with the employee before making their decision which will be final. Staff are prohibited from making a complaint under the Grievance Policy if their appeal to the Chief Executive is unsuccessful.

3.5 Where it is possible to do so in advance or when an employee returns to work after taking time off under this policy, the Trust/school might ask an employee to provide evidence to support the reasons for taking the time off.

4. Bereavement Leave and Compassionate Leave

4.1 Up to five working days paid bereavement leave may be granted to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral.

4.2 Up to five working days paid compassionate leave may be granted to help employees where they need to deal with necessary arrangements for, or assisting, a close relative who is seriously or critically ill. This does not apply in the case of domestic emergencies, or where normal caring arrangements have been disrupted.

4.3 Bereavement leave and compassionate leave may be granted in connection to a close relative which includes a spouse, civil partner or partner, child, stepchild, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law. The Headteacher may exercise their discretion in relation to any other relative or close friend, depending on the circumstances. When agreeing the amount of leave the School will take into account the circumstances and relationship of the employee to the deceased.

5. Funerals

5.1 Leave with pay will be granted to attend the funeral of a close relative as defined in 4.3. Leave without pay may be granted to attend a funeral of someone else. Leave with pay will be granted if attending a funeral as a representative of the school or Trust.

6. Dependants (Time off for)

6.1 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. All employees have the right to take a reasonable amount of time off work when, for example, 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).

6.2 A dependant for the purposes of this policy is:

- an employee's spouse, civil partner, parent or child;
- a person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee; or
- anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 6.1.

6.3 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 dependant. This will depend on the nature of the problem, the closeness of the relationship between the employee and the dependant, and whether someone else is available to assist. Reasonable time off will not normally be more than one day and will be paid. Greater time off than one day is unlikely to be paid. However, each absent request will always be considered on the circumstances and the provisions of the Equality Act 2010 by the Headteacher or their nominated representative.

6.4 If you know well in advance that a problem might arise or you wish to take time off to care for a dependant yourself, rather than make alternative arrangements, this policy will not apply. You should make other arrangements to deal with such situations or consider options such as applying for flexible working (See Flexible Working Policy). You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell your Headteacher:

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

Employees should note the provisions of paragraph 1.3 and that repeated time off or multiple requests for time off will be considered before any decision is made.

6.5 If an employee fails to notify their Headteacher as required by paragraph 6.4, they may be subject to disciplinary proceedings under the Staff Disciplinary Policy for taking unauthorised time off.

7. Domestic, Personal and Family Reasons

7.1 A number of days leave of absence may be granted for domestic reasons (urgent or otherwise). It is expected that those employees who have the option to choose when to take their leave will use their annual leave entitlement before making a request for domestic reasons.

7.2 The Headteacher will consider each set of circumstances, including the nature of the request, the relationship of the employee to the person the request relates to where applicable and whether the event or incident is an exceptional circumstance that could not be arranged outside of normal working hours. Leave granted under this provision may include the following:

a. Moving house

Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to one day's leave (unpaid) may be granted.

b. Wedding or civil partnership ceremony

Employees should make their own wedding/civil partnership arrangements outside normal working days. Unpaid leave for one day may be granted by the Headteacher to enable employees to attend a close relative's or close friend's wedding or civil partnership ceremony where this is held during normal working hours.

c. Other special events

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, school productions, sports day. The School will consider requests for time off for these purposes. Any such leave agreed will normally be paid but will depend on the circumstances and the amount of paid leave already taken under this policy in the year.

d. Urgent domestic business

This would enable staff to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc. Leave will normally be paid but will depend on the circumstances and the amount of paid leave already taken under this policy in the year.

e. Representative Sport

Leave with pay for up to five days may be granted for employees to take part in recognised sports at national/international level at the discretion of the Headteacher.

7.3 Special absence for other personal or family reasons, e.g. to visit relatives who live abroad or to nurse a sick person may also be considered in exceptional circumstances. This will only apply

to employees who have a minimum of one year's service at the date of commencement of the leave. A holiday will not be considered as an exceptional circumstance. 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. Any leave granted will be unpaid.

8. Health and Welfare

8.1 The Trust values its employees and notes that there may be occasions when an individual is required to attend a medical appointment. The Trust also observes the legal rights of individuals detailed in the Equalities Act 2010. However, employees are expected to make routine medical appointments on their non-working days/outside working hours wherever possible. Where it can be demonstrated that it is not possible to obtain appointments outside of working hours the Headteacher may grant time off for reasons of personal health and welfare of an employee. Appointments to, for example, a doctor, medical clinic or hospital will normally be paid but will depend on the circumstances and the amount of paid leave already taken under this policy in the year. Appointments to, for example, an optician, hygienist or for a dental check-up will normally be unpaid. The Headteacher will expect employees to provide evidence of their requirement to attend any medical appointments unless it is an emergency. It is accepted that employees may wish to redact certain personal information to ensure privacy.

8.2 All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments are covered by this policy. Such appointments will normally be paid but will depend on the circumstances and the amount of paid leave already taken under this policy in the year.

8.3 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.

8.4 Requests for time off for medical appointments in relation to adoption or pregnancy will be considered under the Maternity, Paternity Adoption, Parental and Shared Parental leave Policy that covers these circumstances. This policy can be found at any Trust school.

8.5 Employees who are planning to undergo a course of fertility treatment, or are planning to become a surrogate, should discuss with their Headteacher their treatment plan and requirements for time off. The Headteacher will consider these cases based on the individual circumstances.

9. Interviews and School/Employer Visits

9.1 The Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant initially up to three days (with pay) and a further three days (without pay) off for interviews in an academic year.

9.2 Employees must inform their Headteacher of the time, date and duration of the interview as soon as they have this information so that the request can be considered promptly to avoid disappointment. The School can ask employees to provide evidence of interview.

9.3 Staff requesting time off to visit a new school/employer will be considered by the Headteacher and granted where possible. Leave will be granted with pay for a maximum of one day.

10. Time off for Public Duties

10.1 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. The Trust is not obliged to grant employees paid leave for these purposes but will do so under the following circumstances:

a. **Jury Service and Court Witness**

Employees should tell the Headteacher as soon as they are summoned for jury service or as a court witness and provide a copy of the summons if requested. Depending on the demands of the School we may request that the employee applies to be excused from or have the jury service deferred.

b. **Voluntary Public Service**

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 five days' paid leave in an academic year to perform voluntary public service duties. Any additional leave will be granted on an unpaid basis subject to operational requirements of the school.

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.

c. **Candidates for Parliamentary and Local Elections**

Employees who are standing for election in Parliament will be granted unpaid leave up to three working weeks for electioneering and leave with pay for the Election Day. Employees who are standing for local election will be granted unpaid leave for up to one working week for electioneering and leave with pay for the Election Day.

10.2 If you are unsure whether a public service that you perform is covered by this policy you should speak to your Headteacher.

10.3 As soon as you are aware that you will require time off for performance of a public service you should notify the Headteacher in writing, providing full details of the time off that is being requested and the reasons for your request. Proof of the public service may be required.

10.4 The School 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 the decision within five working days of the application.

10.5 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 School/Trust.

11. Reserve Forces Duties

11.1 We are aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be used on full-time operations and will be expected to attend regular training.

11.2 Employees who need time off for reservist commitments are expected to use existing holiday entitlement. In exceptional circumstances we may grant additional leave of up to one week paid and a further one week unpaid in order for these commitments to be met.

11.3 Whilst we will do everything possible to meet your request for leave it may not always be possible for operational reasons. If we receive notice that you have been called-up there may be occasions when we need to apply to an adjudication officer for the notice to be deferred or revoked if your absence would cause serious harm to the School/Trust.

11.4 If you are called-up to fulfil a non-training role or operation, you may submit a written application for reinstatement to your employment once the military service has ended. This should be made by the third Monday following the end of your military service and you should notify us of the date on which you will be available to restart work.

11.5 If it is not reasonable and practicable to reinstate you into your former employment we will offer you the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

12. Professional Examination Duties

12.1 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). This also gives details of how the school may be reimbursed when a teacher has to be released.

13. Study and Sitting Examinations

13.1 Leave with pay may be granted for up to two days for all staff to sit examinations in relation to a degree or professional qualification and additional leave without pay may also be granted for study leave prior to exam. Where an individual is required to attend training/study as part of the role or agreed appraisal objective, leave will be paid.

14. Redundancy – Support for Job Seeking

14.1 Employees who have been identified by the Trust as redundant will be allowed reasonable time off to support them with securing alternative employment. The amount of time-off is at the discretion of the Headteacher and each case will be considered on its merits.

15. Religious Festivals

15.1 Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to three days leave without pay.

15.2 Employees must inform the Headteacher at the start of each academic year of any dates that they may need to request time off for. Where this is not possible employees should provide this information as soon as they are able to and no later than ten working days before the date of the requested leave.

16. Time off for Adverse Weather Condition

16.1 Where it is necessary to close a school due to the effects of adverse weather, paid leave will be granted.

17. Time off for Trade Union Duties and Activities

17.1 The Trust wishes to support employees with time off for trade union activities.

17.2 Trade union representatives are entitled to reasonable paid time off to carry out trade union duties and activities, to undergo training and to accompany a worker to a grievance or disciplinary hearing. 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.

17.3 Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training.

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

17.5 Employees should be aware that there will be occasions where, for operational reasons, or where the School/Trust believes the time off to not be reasonable, requests can be declined. Each application for time off will be assessed on its merits and the determination will ultimately depend on the needs of the School/Trust at the time of the request and consideration will be given to:

- the nature and timing of the request;
- the amount of time off previously granted or planned for the future;
- the number of representatives or members seeking time off within a given period;
- the legitimate need of the union representative or union learning representative to discharge their functions.

17.6 If a union representative, union learning representative or union member is aggrieved by a decision to refuse time off to undertake their duties, training or activities, they should raise the matter in accordance with the School's Grievance Policy.

Time off for Union Representatives – Duties

17.7 Employees who are representatives of an independent trade union recognised by the Trust for collective bargaining are permitted reasonable paid time off to:

- carry out their duties in connection with:
 - negotiations in relation to collective bargaining
 - the performance of other permitted functions related to collective bargaining;
 - information and consultation over collective redundancies or TUPE transfers
 - agreeing new terms for the workforce following a TUPE transfer in an insolvency situation
- undergo training in aspects of industrial relations relevant to those duties which have been approved by the Trades Union Congress or by the trade union
- accompany a fellow worker to a disciplinary or grievance hearing

Time off for union members - activities and learning

17.8 An employee who is a member of an independent trade union recognised by the Trust in relation to their position is permitted reasonable unpaid time off to take part in a trade union activity or to consult a union learning representative. Examples of trade union activities include voting in union elections and attending relevant workplace union meetings, but not participating in industrial action.

Time off for Union Learning Representatives

17.9 Employees who are members of an independent trade union recognised by the Trust can take reasonable time off to perform duties as a union learning representative, providing that the union has given the School notice in writing that the employee is a learning representative of the trade union and that the representative is, or will be, sufficiently trained to carry out the learning representative duties. The purpose of a learning representative includes arranging training, promoting the value of training and analysing training needs.

Requesting time off - Trade Union Representatives and Learning Representatives

17.10 Employees that are trade union representatives or trade union learning representatives should ensure that their trade union has provided written confirmation of this to the School/Trust.

17.11 The Headteacher will meet with the employee to discuss their union role and the amount of time and facilities that the School/Trust believes to be reasonable to enable the employee to carry out their union duties.

17.12 When making a request for time off, the employee should provide as much notice as possible and give further details, such as the location, timing, duration and purpose of the time

off. The Headteacher will look at each request and the circumstances before deciding what is reasonable.

17.13 Both parties accept the need to be flexible within this process and recognise their duties and obligations to the School/Trust. The parties will seek to agree a mutually convenient time for the duties or activities, with minimum disruption to the teaching and learning at the School. Where possible, the recognised trade union(s) will arrange workplace meetings towards the end of the working day or near break times.

Requesting Time off - Trade Union Members

17.14 Employees who want to request time off for trade union activities during working hours should make a request to the Headteacher, giving as much notice as possible, and provide further details, such as the location, timing, duration and purpose of the time off. The Headteacher will look at each request and the circumstances before deciding what is reasonable.

STAFF REQUEST FOR LEAVE OF ABSENCE

SECTION 1 – TO BE COMPLETED BY THE EMPLOYEE

NAME: _____

POST: _____

I request leave of absence on the following date(s)

For the following reason:

(If there is insufficient space please continue on the reverse)

Number of days leave of absence already granted in the academic year _____

SIGNED: _____ DATE: _____

When this section has been completed the form should be given to the Headteacher. In the case of a Headteacher the form should go to the Executive Headteacher.

SECTION 2 – TO BE COMPLETED BY THE HEADTEACHER/EXECUTIVE HEADTEACHER

- i) This request for leave of absence is granted with pay
- ii) This request for leave of absence is granted without pay
- iii) This request for leave of absence has not been granted for the following reasons:

SIGNED: _____ DATE: _____

A copy of the completed form should be returned to the applicant