



MOWBRAY
Education Trust

Leave of Absence Policy

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Contents

1.	Introduction	3
2.	Scope	3
3.	Definitions	4
4.	Bereavement leave and compassionate leave	4
5.	Time off for dependants	5
6.	Domestic Reasons	6
7.	Urgent domestic business	6
8.	Health and welfare	7
9.	Interviews	7
10.	Time off for public duties	8
11.	Professional examination duties	9
12.	Redundancy - support for job seeking	10
13.	Religious festivals	10
14.	Time off for trade union duties and activities	10
15.	Unpaid special leave	12
16.	Review	13
	Appendix 1 - Leave of absence request	14

1 Introduction

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 closure 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. Leave of absence is not an entitlement to a number of days off per year.

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

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 requests 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.

All periods of leave of absence will be recorded and considered over a 12-month period. Other than where there is a statutory entitlement to leave, the granting of leave under this policy will be considered in the context of an employee's overall attendance. A Manager may decline a request for leave that is not a statutory entitlement. Statutory leave is not paid, however, the Trust has chosen to allow pay in some circumstances as set out in this policy.

Any employee who is suspected to have abused the provision for time off, or fails to make a request as set out in this policy, may be subject to disciplinary proceedings in line with the Trust's Disciplinary Policy & Procedure.

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.

This policy has been agreed following consultation with the recognised trade unions.

2 Scope

The purpose of this policy is to ensure that employees within the Trust understand how requests for leave will be considered by the Manager. It will also ensure that staff across the Trust are treated in a fair and consistent way when requesting time away from work.

The procedure applies to all employees regardless of length of service. It does not apply to agency workers.

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, shared parental or adoption leave. Information on these can be found in the relevant policy within the Trust.

3 Definitions

In the context of this policy Manager means the following:

- Head Teacher for all school based staff
- Centre Manager for all nursery based staff
- Chief Operating Officer or Group Head of HR for all central staff
- Executive Head Teacher for all Head Teachers
- CEO for Chief Operating Officer, Executive Head Teachers and Centre Managers
- Chair of the Board for CEO

A Manager may delegate some actions in this policy to an appropriate person.

4 Bereavement leave and compassionate leave

Up to five 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.

Up to five days paid compassionate leave may be granted to help employees where they need to deal with necessary arrangements for, or assist, 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.

Bereavement leave and compassionate leave may be granted in relation to 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 Manager may exercise their discretion in relation to any other relative or close friend, depending on the circumstances. When agreeing the amount of leave the Manager will take into account the circumstances and relationship of the employee to the affected person.

The Trust recognises that it may not always be possible to request bereavement leave or compassionate leave in advance. However, where it is possible, employees should make a request to the Manager, giving them the reasons for the request and the number of days leave that are required.

Where it is not possible to request leave in advance employees should contact the Manager as soon as possible to tell them the reason for the absence and the number of days leave that are required.

In exceptional circumstances we may have to refuse a request for bereavement leave.

5 Time off for dependants (statutory)

The law recognises and we respect that there will be occasions when employees will need to take time off work to deal with unexpected events involving dependants. 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;
- 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).

A dependant for the purposes of this policy is:

- an employee's spouse, civil partner, parent or child (including step children);
- 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 above.

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, and whether someone else is available to assist. Reasonable time off will not normally be more than one day and in most cases will be less than a day. However, we will always consider each set of circumstances on their facts.

If an employee knows well in advance that a problem might arise or they wish to take time off to care for a dependant, rather than make alternative arrangements, this policy will not apply. Employees should make other arrangements to deal with such situations.

Time off under this policy will only be allowed if, as soon as is reasonably practicable, the employee provides the Manager with:

- the reason for the absence; and

- how long the employee expects to be away from work.

Where it is possible to do so in advance, or when you return to work after taking time off under this policy, we might ask you to provide evidence for your reasons for taking the time off.

6 Domestic reasons

Up to three days in total, leave of absence without pay, 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. Leave to be granted under this provision may include:

Moving house

Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to 1 day's leave may be granted by the Trust.

Wedding or civil partnership ceremony

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

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 Trust will consider requests for time off for these purposes.

7 Urgent domestic business (statutory)

This would enable employees to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc.

The Trust recognises that it may not always be possible to request leave for urgent domestic business in advance. However, where it is possible, employees should make a request to the Manager, giving them the reasons for the request and the number of days leave that they would like to take. Where it is not possible, to contact the Manager in advance the employee must contact the Manager as soon as possible to tell them the reason for the absence and the number of days they expect to be absent. The

Manager may allow up to two paid days in total in any 12-month period. Any other days will be unpaid.

8 Health and welfare

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 Manager may grant paid time off for reasons of the personal health and welfare of an employee. For example, non-routine visits to a doctor, dentist, optician, clinic and hospital. The Trust will expect employees to provide evidence of their requirement to attend any medical appointments.

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.

Employees who donate blood or other medical tissue are encouraged to do this outside of working hours.

Requests for time off for medical appointments in relation to adoption, pregnancy or disability will be considered under the relevant Trust policy that covers these circumstances.

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

9 Interviews

The Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant up to two days off for interviews with pay and two days without pay.

Employees must inform their Manager 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 Manager can ask employees to provide evidence of the interview.

10 Time off for public duties (statutory)

The Trust supports employees to perform certain public duties and will give them time off to do so where it does not conflict with the operational needs of the Trust. 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.

Jury service

Employees should tell the Manager 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.

The Trust is not required to pay employees while they are absent on jury service. The court will advise the employee of the expenses and loss of earnings that they can claim. We will pay basic pay to employees who are on jury service, less any amounts they can claim from the court for lost earnings for the whole period of the jury service.

Voluntary public service

Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties.

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

If an employee is unsure whether a public service is covered by this policy, they should speak to the Manager or the HR Team.

Employees should notify the Manager in writing as soon as they are aware that they will require time off for performance of a public service. Full details of the time off that is being requested and the reasons for the request must be provided.

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 the employment.
- How much time off is reasonably required for the duty in question.
- How much time off the employee has already taken for the public duty in question.
- How the absence will affect the Trust.

The Trust will agree to requests for time off to undertake public duties wherever reasonably possible. If it is not possible to accept a request written reasons for the decision will be provided.

Reserve forces duties

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.

Employees who need time off for reservist commitments are expected to use their existing holiday entitlement. In exceptional circumstances we may grant additional leave (either paid or unpaid) in order for these commitments to be met.

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 Trust.

Once your military service has ended you may submit a written application for reinstatement to your employment. 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.

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.

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

12 Redundancy - support for job seeking (statutory)

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 Manager. Each case will be considered on its merits.

13 Religious festivals

Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to 2 days leave without pay.

Employees must inform the Manager 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 10 working days before the date of the requested leave.

14 Time off for trade union duties and activities (statutory)

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

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 Trust.

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

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

Employees should be aware that there will be occasions where, for operational reasons, or where we believe 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 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; and

- the legitimate need of the union representative or union learning representative to discharge their functions.

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 Trust's grievance procedure.

Time off for union representatives - duties

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:
 - (i) negotiations in relation to collective bargaining;
 - (ii) the performance of other permitted functions related to collective bargaining;
 - (iii) information and consultation over collective redundancies or TUPE transfers; and
 - (iv) 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 has 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

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

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 Trust 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

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 Trust.

The Group Head of HR will meet with the employee to discuss their union role and the amount of time and facilities that the Trust believes to be reasonable to enable the employee to carry out their union duties.

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 Manager will look at each request and the circumstances before deciding what is reasonable.

Both parties accept the need to be flexible within this process and recognise their duties and obligations to the 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 Trust. 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

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

15 Unpaid special leave

The following is intended to complement the paid leave provisions, particularly in relation to compassionate leave. The intention is that this should cover special absence for personal or family reasons, e.g. to visit close relatives, who are unwell and who live abroad or to nurse a sick dependant. The guidelines apply:

- for types of unpaid leave not covered elsewhere by specific agreement e.g. in national or local conditions of service;
- only in exceptional circumstances e.g. of a personal or domestic nature;
- where the employee has a minimum of one year's service at the date of commencement of the leave.

The employee should submit the request in writing giving details of the absence required and the reasons.

16 Review

This policy is reviewed biennially by the Trust 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 - Leave of Absence Request

To be completed by the employee

Name of employee		Job Title	
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Reason for leave

Dates of leave

From		To	
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Signed by employee		Date	
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To be completed by the Manager

Name of Manager			
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Leave approved	Yes	No	
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Number of days approved			
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With pay	Yes	No	
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Total days leave of absence in last 12 months			
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Signed by Manager		Date	
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Log of Changes to Document

Date	Page	Change	Who:
March 17	Whole document	Original document	Head of HR
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