



MOWBRAY
Education Trust

Leave of Absence Policy and Procedure

June 2022

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1. Introduction

Where possible, it is expected that all staff will try to arrange leave of absence during holiday periods for the Trust. However, it is recognised that the nature of the working day and terms limits the flexibility of staff to take leave for personal reasons.

It is also important to bear in mind that requests for leave 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. This policy does not replace a statutory entitlement to leave and the granting of leave under this policy will be considered in the context of an employee's overall attendance and current business requirements. A Manager may decline a request for leave that is not a statutory entitlement.

Any requests for leave of absence for reasons or periods of time not covered in the policy must be approved by Human Resources.

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 action.

This should be read in conjunction with the following policies which can be found on the Mowbray Education Trust Website <https://www.mowbrayeducation.org/policies>

- ☐ Disciplinary Policy and Procedure
- ☐ Flexible Working Policy
- ☐ Family Leave Policy
- ☐ Agile Working Policy

This policy and 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.

2. Scope and Purpose

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.

3. Definitions

In the context of this policy Manager means the following:

- ☐ Head Teacher or Head of School for all school-based staff
- ☐ Centre Manager for all nursery-based staff
- ☐ Chief Operating Officer for all central staff
- ☐ Executive Head Teacher for all Head Teachers
- ☐ CEO for Chief Operating Officer, Executive Head Teacher, Quality of Education Lead and Governance & Process Manager.
- ☐ Chair of the Board for CEO

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

4. Types of Leave

For the purposes of this procedure, personal leave is defined as:

- ☐ Bereavement and Compassionate Leave
- ☐ Time off for Dependents
- ☐ Domestic Reasons
- ☐ Health and Welfare
- ☐ IVF Treatment
- ☐ Interviews
- ☐ Jury Service
- ☐ Time off for Public Duties
- ☐ Religious Festivals
- ☐ Time off for Trade Union Duties and Activities

5. Bereavement and compassionate leave

Up to five days (pro rata) 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 (pro rata) 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, partner, child, parent, brother or sister, or dependant relative.

Up to 1 day paid bereavement leave may be granted for other family members. 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.

Statutory Provision

Parents and adults with parental responsibility have the right to two weeks unpaid leave if they lose a child under the age of 18, or suffer a stillbirth after 24 weeks pregnancy, irrespective of their length of service. Employees may qualify for two weeks statutory bereavement pay (SPBP).

6. Time off for dependants

Dependents Leave

Up to 1 days paid leave may be granted for dependents leave. Employees may only take paid time off to provide personal care for a dependant where there is an immediate crisis.

A maximum of two additional days may be requested in exceptional circumstances at the discretion of the Manager.

Statutory Provision

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, 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. However, we will always consider each set of circumstances on a case-by-case basis.

If an employee knows well in advance that a problem might arise or they wish to take time off to care for a dependant, 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.

7. Domestic reasons

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.

Urgent and serious domestic disruption

Employees shall be granted up to one days' paid leave for urgent and serious domestic disruption. It is not possible to set down criteria for the full range of circumstances, but examples would include burglary or flooding of an employee's home.

Statutory Provision

The law recognises and we respect that there will be occasions when employees will need to take more than one day off work to deal with emergencies of a domestic nature (as paragraph above). All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc.

8. Health and welfare

Employees are expected to make all routine medical, dental, and hospital appointments on their non-working days/outside working hours. Where it can be demonstrated that it is not possible, they should be arranged at the beginning or end of a normal working day, to minimise disruption. In the case of hospital appointments, it is accepted that there is often little scope to agree a time that meets the individual/Trust's needs. Employees shall be granted paid leave for appointments which are necessary and scheduled in working time. The Trust expects 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 and 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.

9. IVF Treatment

Any application for leave of absence to undergo IVF treatment should be handled sensitively and compassionately, taking into account the emotional impact on a member of staff leading up to, during, and following treatment.

Staff, wherever possible should be encouraged to arrange treatment outside of working hours, outside of term time (in the case of term time workers), or at the beginning or end of the working day to minimise lost time. If this is not possible, the Trust may grant up to 5 days paid leave in any one year on compassionate grounds.

If treatment is unsuccessful and further absences are required within any one-year period, the Trust may, at its discretion, grant unpaid leave of absence.

If, as a result of IVF treatment, a member of staff is unable to attend work, e.g. necessitating bed rest on the advice of a consultant or GP, then the absence should be treated as sick leave. In such cases the normal procedures for notification of sickness and sick pay will apply.

10. 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.

11. Jury Service

Employees should tell the Manager as soon as they are summoned for jury service and provide a copy of the summons and the accompanying loss of earnings form. The loss of earnings form must be submitted to the HR Department before it is returned to the Court.

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

Whilst serving as a juror, an employee must claim for loss of earnings, and the Trust will deduct from their monthly pay an amount equal to the allowance they receive.

Employees are expected to return to work for each day or half day they are not required to attend Court.

12. 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.

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
- ☐ Special constable / reserve firefighter
- ☐ 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 amount of time 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 their employment.
- ☒ How much time off is reasonably required for the request.
- ☒ 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 unpaid leave for a period of up to 5 days in order for these commitments to be met.

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.

Health and Safety Union Representatives are also entitled to reasonable paid time off for 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.

15. 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 Application

APPLICATION FOR LEAVE OF ABSENCE

(For reason other than personal sickness, annual leave, adoption, paternity, or maternity leave)

To be completed by the applicant

First Name: Surname:

Role: School:

Date(s): From: To:

Total number of working days: WITH/WITHOUT PAY (please delete)

Reason for application:

.....
.....

Applicants signature: Date:.....

To be completed by the Manager

I do/do not support the above application in accordance with the Leave of Absence policy.

With/Without pay (please delete)

Reason for not recommending (if applicable):

.....
.....

Manager to print name:

Signature of Manager: Date:

Please note that any requests for leave of absence for reasons or periods of time not covered in the policy must be approved by the Human Resources.

Appendix 2

Completing an Application for Leave of Absence

1. All applications for leave of absence other than for reasons of personal sickness, annual leave, adoption, paternity, or maternity leave should be made on this form.
2. Before making an application for leave of absence please consult Mowbray Education Trust's policy on leave of absence. The policy provides for staff to be granted paid leave to meet particular circumstances and needs, for example bereavement and domestic reasons. The criteria and the amount of leave are defined. The MET will also consider requests for unpaid leave in line with the policy. This will include consideration of any outstanding holiday entitlement and in appropriate circumstances regard to all periods of absence from work that an individual may have had. There are also options such as flexi time, time off in lieu and adjustment to starting and finishing times that may meet an individual's request for time off.
3. Managers are responsible for approving leave of absence requests that fall within the policy guidelines. Any requests for special leave for reasons or periods of time not covered in the policy will be referred to HR for advice.
4. Employees should give as much notice as is practicable of the need for leave of absence. If the number of days is not known initially, an estimated number should be given. Confirmation of the exact dates should be given to HR as soon as possible.

SUMMARY OF LEAVE OF ABSENCE POLICY

The table below outlines a summary of the Leave of Absence Policy. The numbers in brackets indicate the section reference in the Policy. In addition, the MET has Family Friendly policies etc.

Reason	Notes	Length of Leave	Paid/Unpaid
Bereavement Leave	Employee's spouse, partner, parent, brother, sister, child, or dependant relative. (5)	Up to 5 days	Paid
	Other family member. (5)	One day	Paid
Parental Bereavement Leave	Parents or adults with parental responsibility statutory provision. (for children under the age of 18 years) (5)	Two weeks	Paid/unpaid
Compassionate Leave	Where the employee needs to deal with arrangements or assist a close relative who is seriously or critically ill. (5)	Up to 5 days	Paid

Dependent's Leave	Where the employee needs to deal with an immediate crisis. (6)	One day	Paid
	Statutory entitlement to reasonable unpaid time off in emergency situations. (6)	At Heads discretion a maximum 2 additional days	Unpaid
Domestic Reasons	Moving House (7)	One day	Paid
	Urgent and serious domestic disruption. (7)	One day	Paid
Health and Welfare	Medical Appointments and Medical Tests (8)	Reasonable time off	Paid
IVF	Treatment. (9)	Up to 5 days	Paid
Interviews	To attend an interview. (10)	Two days	Paid
		Two days	Unpaid
Jury Service	Jury Service. (11)	Dependant on court case	Paid. Full pay less allowance.
Time off for Public Duties	Voluntary Public Services (12)	Dependent on nature of duties	Unpaid
Reserve Forces	Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force (12).	Up to 5 days	Unpaid
Religious Festivals	Observance of festivals. (13)	Two days	Unpaid
Time off for Trade Union Duties or Activities	TU Representation for employees and Training in association with TU duties. (14)	Reasonable	Paid
	Trade Union Members – Employees participating in TU activities. (14)	Reasonable	Unpaid

Log of Changes to Document

Date	Page	Change	Who:
March 17	Whole document	Original document	Head of HR
June 17	Cover page	Updated status to final. Updated date to June 17	Head of HR
April 2020	Whole document	<p>Reviewed main changes:-</p> <p>Section 4 Pro rata days off due to bereavement and compassionate leave. Added new statutory provision for bereavement leave.</p> <p>Section 5 – Included paid days off due to dependant leave</p> <p>Section 6 – Domestic Reasons – Deleted first paragraph leave of absence without pay. Deleted Wedding or Civil partnership ceremony, and Other Special Events paragraphs. Added in Urgent and Serious Disruption and Statutory Unpaid Provision.</p> <p>Section 7 – Deleted Urgent Domestic Business as included in Section 6.</p> <p>Section 7 – Health and Welfare – given further guidance on appointments.</p> <p>Section 8 IVF – new section.</p> <p>Section 10 – new section which just deals with Jury Service.</p> <p>Section 11 Professional examination duties – deleted.</p> <p>Section 12 Redundancy – deleted.</p> <p>Section 14 Unpaid Special Leave – deleted.</p> <p>Appendix 1 – amended Leave of Absence application form.</p> <p>Appendix 2 – new Summary of Leave of Absence.</p>	Group HR Manager
July-20	Whole Document	Approved	MET Board
June 22	Whole Document	Updated to include fire & police public volunteer duties by request.	HR Manager

		Updated to include reference to the new Agile Working Policy Clarification on job roles Section 4 – Types of Leave added in Updated summary of leave and section numbers	
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