



Tudor Grange Academies Trust

Discretionary and Statutory Leave of Absence Policy

Document title	Discretionary and Statutory Leave of Absence Policy
Author/originator	C Maclean / J Brant
Date of Approval/Review	8 th April 2024
Approving Committee	Finance and Personnel Committee
Version	1.4
Policy review date	Every 4 years – April 2028

Date updated	Version	Change from last version
14.05.18	1.0	New document
April 2020	1.1	Policy updated to include parental bereavement leave
28.04.22	1.2	Reformatting and renumbering. Minor updates to paragraphs: 1.1, 4.6.3, 4.7.1 , 9.4.1
02.09.22	1.3	Update to table in section 3 relating to Dependent Care Leave
08.04.24	1.4	Addition to table in section 3 for absence for religious observance New section 10 relating to Carers' leave

Contents

1	Introduction	2
2	Procedure and decision making.....	3
3	Discretionary leave of absence - Examples of discretionary time off work that may be granted with pay.....	3
4	Discretionary leave of absence - Examples of discretionary leave that may be granted without pay	4
5	Statutory leave of absence for public duties	7
6	Jury service.....	7
7	Statutory dependent care leave	8
8	Parental leave	8
9	Parental Bereavement Leave.....	9
10	Carers' Leave.....	10
	Appendix 1 Leave of Absence and Course Application Form	11

1 Introduction

- 1.1 The Trust Board recognises that the success of the Trust depends upon the contribution of all staff and gives full acknowledgement that a fair and effective Policy on Discretionary and Statutory Leave of Absence contributes to the maintenance of staff morale and thereby our success.
- 1.2 This Policy sets out the Discretionary and Statutory Leave of Absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of each school in the Trust are the priority, and therefore there will be times when the Principal has to refuse a request for leave. The examples of discretionary leave given are non-exhaustive, and where circumstances arise which are not identified in this Policy, the Principal has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
- 1.3 This Policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency.
- 1.4 This Policy does not cover leave which is included in the policies and procedures listed below:
- Annual leave
 - Maternity/Paternity/Parental/adoption leave
 - Flexible working
 - Sickness absence

- Redundancy

1.5 This Policy applies to all teaching and associate staff. This Policy is non-contractual and may be amended at any time following consultation with Trade Unions.

2 Procedure and decision making

2.1 Except in emergencies, authorisation to take leave of absence must be requested from the Principal as soon as the need for the leave is known using the form at Appendix 1.

2.2 Requests for leave of absence, and the approval/refusal of such, will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1.

2.3 Where an emergency arises you must notify your Line Manager as soon as is reasonably practicable, giving the reason for the absence and how long you expect to be absent from work to deal personally with the emergency which cannot be dealt with by anyone else. You must then confirm this in writing or by email.

2.4 Where a leave of absence request is refused there is right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision. The appeal will be considered by the Executive Principal or a member of the Executive Board whose decision is final.

2.5 A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service.

3 Discretionary leave of absence - Examples of discretionary time off work that may be granted with pay

Summary non exhaustive examples of leave normally granted with pay	Days Per Rolling 12 month period
<u>Compassionate Leave</u> illness or injury of a significant other person giving rise to serious domestic difficulties	period reasonably necessary, but not normally more than 5 days
<u>Bereavement Leave</u> death (including funeral) of a significant other person	period reasonably necessary, but not normally more than 5 days. Additional travelling time may be also granted where applicable.
<u>Moving House</u> where it cannot be arranged for a non-working time	one day
<u>Personal Events or Emergencies</u> i.e. an event which, if response were to be delayed, would result in significant personal loss to the employee such as fire or flood	one day

<u>Travel</u> accepted impossible travel because of weather or other public crisis.	period reasonably necessary, but not normally more than 2 days per event
<u>interviews</u> for jobs in the education service	Period reasonably necessary, but not normally more than 3 days or 3 separate interviews (where a process involves more than one day) Employees who are appointed to a position in another school will usually be granted one day's paid leave to attend an induction day. Each case will be considered on its merits and the individual circumstances that may be involved.
<u>Dependent Care Leave</u> employees may only take paid time off to provide personal care for a dependent where there is an immediate crisis. (There is a statutory right to take unpaid leave see 7.1 below)	In normal circumstances not more than one day on each occasion. Up to 3 days per rolling 12 month period
<u>Leave of absence for religious observance</u>	One day

4 Discretionary leave of absence - Examples of discretionary leave that may be granted without pay

Summary non exhaustive examples of absence normally granted without pay	Days Per Annum - All Staff
Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions.	maximum of 3 days
Attendance as witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as witness not representing the school	period of attendance necessary
Leave of absence for religious observance	reasonable time off

4.1 Medical appointments

- 4.1.1 Upon production of a medical appointment letter/card, up to half a day paid leave may be granted to attend an appointment at hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with your line manager to agree a mutually convenient time so that the operational requirements of the school are met and then request leave from the Principal using the form at Appendix 1.

4.2 Attendance in court as a witness

4.2.1 If you are subpoenaed or summonsed to attend a Court (including an Employment Tribunal) as a witness and you are not representing the school, then on production of proof of required attendance, you must request leave from the Principal using the form at Appendix 1, and you will be granted unpaid leave to attend. If you wish to attend Court as a witness on a voluntary basis then you should request leave of absence from the Principal as soon as the need for the leave is known using the form at Appendix 1, and a decision will be made on a case by case basis.

4.3 Leave of absence for religious observance

4.3.1 You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the school pupils and surrounding circumstances. You should request time off at the beginning of the Academic year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

4.4 Hajj

When considering requests for leave for Hajj, Principals need to be aware that all Muslims, if they are physically and financially able, must attend the Hajj. It is a once in a lifetime obligation that takes place in the twelfth month of the Islamic calendar. The request for leave may involve the employee being absent for a period of 5 or 6 weeks. This request needs long term planning and a great deal of consideration will be required. Two days paid leave will be granted (this is not an additional two days leave) and the rest of the absence will be unpaid.

4.5 Illness of a close relative

4.5.1 Employees may be granted leave with pay to look after a close relative in the event of serious illness. In the case of a serious illness of a relative, including an employee's own child, the number of days paid leave may be increased to 10 in any year. Each request for further time off in excess of the 10-day period will then be considered on an individual case by case basis subject to the specific circumstances of the request and mindful of matters of consistency and fairness, and where granted, this additional time off may be granted with or without pay.

4.5.2 In this event, it may be appropriate to consider other flexible working arrangements which may be suitable and which may better support the member of staff's needs at that time. Long term absences that require a number of absences will be treated as "one occasion". This provision will only be made when there is no other person/provider/carer available to look after the sick relative.

4.5.3 "Serious illness" is defined as that which makes it necessary for the employee to make urgent and special arrangements (e.g. following discharge from hospital), for the care of the relative. If the outcome of the serious illness is such that the patient requires long term care, the Principal may grant a reasonable period of unpaid leave.

4.5.4 The employee may be required to submit medical evidence in respect of the sick dependant, at whatever point the Principal feels appropriate. There is also an expectation of shared care, if a child is involved and has both parents. It is advised that requests to nurse a terminally sick child, relative or partner, close friend or companion

should be treated with particular sympathy, granting paid leave of absence for a limited period in the first instance and reviewing the situation regularly.

4.6 Overstaying/delayed returns

- 4.6.1 If staff, returning from a holiday abroad or returning from extended leave for religious/cultural reasons, are delayed in returning from the country they have visited, for reasons such as transport strikes, delayed flights, accidents etc. and this delay takes them into term time, then in such circumstances it is the member of staff's responsibility to maintain communication with the Principal and to keep to an absolute minimum any unforeseen overstay.
- 4.6.2 On their return the Principal will need to consider the reasons for the delay. If the circumstances are not covered by any other policy the period of absence would be without pay, assuming compensation is available from the travel company. If the employee is employed throughout the year then they may take the additional time as annual leave.
- 4.6.3 Staff should claim compensation from the travel company, however; if the member of staff is unable to claim compensation the Principal may decide the leave should be with pay.

4.7 Study/examination leave

- 4.7.1 Employees who are sitting examinations relevant to their current post or where it will further the employee's professional development may be granted paid leave as necessary at the discretion of the Principal and will be balanced with the needs of the school/Trust, and the impact on the education of pupils.

4.8 Participation in sporting or other events

- 4.8.1 Paid leave may be granted, at the discretion of the Principal, to staff participating in sporting or other events in which they represent their country or if they are on trial for selection to represent their country.

4.9 Employees Serving on Outside Bodies

- 4.9.1 Principals have the authority to approve requests from staff to attend meetings of Professional Bodies, Associations, National Committees, etc. subject to a maximum of 4 paid days leave per year. The employee is entitled to any attendance allowances/expenses in addition to normal pay. Where loss of earnings can be claimed, this must be paid to the school. In addition, where leave with pay is granted, any fees in respect of these duties must be paid to the school.

4.10 Treatment in relation to infertility (IVF)

- 4.10.1 Reasonable paid time off, up to a maximum of 5 days per year, will be granted for employees who are required to attend medical appointments or who are hospitalised in relation to infertility treatment. However, each case should be considered on an individual basis and employees will be required to provide an appointment card or letter to confirm the details. Consideration should be given to requests for extended periods of time off on an unpaid basis.

5 Statutory leave of absence for public duties

- 5.1 Employees are entitled to a reasonable amount of unpaid time off work by law to carry out certain public duties. Public duties include service as a:
- Tribunal member
 - Magistrate
 - Local councillor
 - Member of an NHS Trust
 - Prison visitor
 - Lay visitor to police stations
 - School governor
- 5.2 As soon as you are aware that you will require time off for performance of a public service you should request leave of absence from the Principal using the form at Appendix 1.
- 5.3 The school will agree to requests for paid time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this Policy.
- 5.4 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.

6 Jury service

- 6.1 You must inform your line manager as soon as you are summonsed for Jury Service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for Jury Service raises significant teaching or operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange or cancel the dates of service.
- 6.2 Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.
- 6.3 Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice MUST be forwarded to the PA to the Principal within 3 days of your return to work.
- 6.4 Your salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An Employee cannot be paid twice by the Court and the Trust for the same days.
- 6.5 Where Jury Service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your line manager regularly informed about how long you are likely to be away from work.
- 6.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summonsed to attend for service as a juror or being absent from work on Jury Service.

7 Statutory dependent care leave

This Policy outlines at Paragraph 3 the circumstances when employees can be granted paid leave.

- 7.1 Employees have a right to take a reasonable amount of unpaid time off work when it is necessary to:
- (a) provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
 - (b) make longer-term care arrangements for a dependent who is ill or injured;
 - (c) take action required in consequence of the death of a dependent;
 - (d) deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent; and/or
 - (e) deal with an unexpected incident involving their child during school hours (or those of another educational establishment).
- 7.2 A dependent for the purposes of this paragraph is:
- (a) an employee's spouse, civil partner, parent or child;
 - (b) a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
 - (c) anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

8 Parental leave

- 8.1 Parental leave is a statutory entitlement intended to help both mothers and fathers to spend more time with their children when they are young, and to relieve some of the stresses of working and caring. The leave must be taken to care for the child. It is unpaid, taken in weekly blocks, and needs to be authorised well in advance. Parents of disabled children have the flexibility to have a day at a time.
- 8.2 Trust employees with at least one year's continuous service and who are parents of a child under the age of 18 years of age are entitled to take parental leave. The main features of which are as follows:
- an entitlement to 18 weeks unpaid leave for each child;
 - not more than 4 weeks leave to be taken in any one year (in line with the conditions at paragraph 7.1);
 - at least 21 days' notice is required, specifying when the leave period is to begin and end;
 - parental leave can be taken at any time up until the youngest child's 18th birthday.
- 8.3 Staff should make a request for parental leave in accordance with arrangements for other leave, and at least 21 days' notice should be given. If a woman wishes to take parental leave immediately following maternity leave, she should ensure compliance with the 21 days' notice. If the leave is to be taken by a father starting on the day of his child's birth, the notice given must be at least 21 days before the expected week of childbirth and specify the expected week of childbirth and the length of leave which is to be taken.
- 8.4 The Trust has the right to postpone the leave for up to a maximum of 6 months to avoid substantial prejudice to the operation of the business, except where the request is made by a father in respect of the period immediately following the birth of his child.
- 8.5 When you return after parental leave, you are entitled to return to the post in which you were previously employed. If it is not reasonably practicable for the Trust to allow you to return to

that post, you must be allowed to return to another which is both suitable and appropriate for you in the circumstances. The terms and conditions must not be less favourable than would have applied if you had not been absent on parental leave.

9 Parental Bereavement Leave

9.1 We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

9.2 This entitlement applies to employees who have suffered the loss of a child (i.e. under the age of 18) or who suffer a stillbirth after 24 weeks of pregnancy on or after 6 April 2020.

9.3 Irrespective of the length of service, an employee can take Parental Bereavement Leave if they are the:

- Parent of a child who has passed away
- Partner of the child's parent, where you live in an enduring family relationship with the child who has passed away and their parent
- "Parent in fact" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child and had "day to day" responsibility for the child (but you have not been paid to look after the child)
- "Intended parent" of a child who has passed away, i.e. a parent using a surrogate
- "Natural parent" of child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent
- Adopter of a child who has passed away

9.3.1 In practice, this means that most employees with parental responsibility for a child who passes away on or after 6th April 2020 can take Parental Bereavement Leave. Any staff member who is unsure about their entitlement to take Parental Bereavement Leave should contact the HR Director.

9.4 For each child who has passed away, a bereaved parent can take one or two weeks Parental Bereavement Leave as follows:

- As a single block of two weeks
- Two separate blocks of one week taken at different times
- The leave must be taken within 56 weeks of the date of death of the child.

9.4.1 This extended period is to recognise that you may already be on another type of leave (i.e. maternity) or that you may require some flexibility to cover important dates such as the first anniversary of the date of the child's death or birthday.

9.5 If you intend to take Parental Bereavement Leave within the first 56 days after your child's death, you can take the leave straightaway. You do not have to provide a period of notice. This means that you can begin Parental Bereavement Leave by informing your line manager, no later than when you are due to start work or, if that is not feasible, as soon as is reasonably practicable by telephone call or email.

9.6 If you intend to take Parental Bereavement Leave more than 56 days after the death of the child you are required to give at least one week's notice.

9.7 If you have asked to begin parental bereavement leave within the first 56 days of the date of your child's death, you can cancel your Parental Bereavement Leave, as long as you let your line manager know before you would have been due to start work.

- 9.8 If you have asked to begin parental bereavement leave more than 56 days after your child's death, you can cancel your parental bereavement leave, as long as you let your line manager know at least one week in advance.
- 9.9 You cannot cancel any week of Parental Bereavement Leave that has already begun.
- 9.10 Recognising the need to support bereaved parents, Tudor Grange Academies Trust will continue to pay normal pay during Parental Bereavement Leave.
- 9.11 During parental bereavement leave, all terms and conditions of your contract will continue.
- 9.12 You have the right to resume working in the same job when returning to work from Parental Bereavement Leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.
- 9.13 You are entitled to return to another job that is suitable and appropriate for you, rather than the same job if:
- the period of leave taken is more than 26 weeks when added to most other periods of statutory leave taken in relation to the same child *and*
 - It is not reasonably practicable to return you to the same job.

10 Carers' Leave

- 10.1 The Carer's Leave Act sets out statutory requirements for employees, allowing employees to request leave for a dependant with a long-term care need. This entitlement can be requested from day one of employment.
- 10.2 Employees can request up to five days unpaid leave per calendar year to arrange or provide care. Additional time off required over the five days may be granted at discretion of your line manager/Principal. You will need to complete and submit a Leave form to request additional discretionary leave days.
- 10.3 How the leave can be taken
- Half days, individually
 - Full days, individually
 - Five full days consecutively at one time.
- 10.4 As soon as you are aware that you require time off to care for dependants, please discuss this with your line manager/Principal.

**Appendix 1 Leave of Absence and Course Application Form**

Section A: LEAVE OF ABSENCE (Please attach appointment letter if request is for a medical absence)		
Name:		Date of absence: AM PM All day
I have read and understood the discretionary leave policy. Reason for request for absence:		
Cover requirements (please list classes)	Registration:	P1
	P2	P3
	P4	P5
	Duties:	
Approved by line manager	Signed :	Date:

Section B: COURSE APPLICATION (Please outline course details)		
Title Of Course:		
Course Provider:		
Course Venue:		Date of course:
Course Fee:		Estimated Travel costs:
Approved by leader of CPD/ Budget Holder	Signed:	Date:

Section C: LOA decisionApproved with pay Approved without pay*

** I understand and accept that if leave of absence is granted without pay it will affect my pension entitlement*

Not approved for the following reasons:

Operational difficulties in covering absence

Loss of entitlement/ continuity of educational provision for pupils

Level of absence limits already reached

The request is outside the policy framework

Other. Explanation of reason(s) for non-approval:

Signed:		Date:	
Job Title:			

APPEAL AGAINST LEAVE OF ABSENCE DECISION

If you wish to appeal against a refusal to grant discretionary leave of absence then you must explain your reasons below and return this form to [the decision maker] within 5 days of the date of the decision as recorded above. Your appeal will be heard by the Executive Principal or a member of the Executive Board. (Please attach supporting information where appropriate).

Signed:

Date: