

# **Springwell Leeds Academy**

## **Leave of Absence Policy**

**January 2018**

**Wellspring Academy Trust**  
**Leave of Absence Policy**

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**Responsible Department:**

**Human Resources**

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Appendix 1 – Request for Leave of Absence form

## **1.0 Scope**

- 1.1 This policy applies to all employees of the Wellspring Academy Trust (the Trust) including those employed by Academies within the Trust.

## **2.0 Principles**

- 2.1 This policy sets out the approach to be followed to respond to requests for time off work and the circumstances in which paid leave and unpaid leave may be granted for all staff.
- 2.2 Teachers and term time only support employees have contracts of employment which provide for annual holidays to be taken during Academy closures. There is therefore no contractual entitlement to time off during term time.
- 2.3 Employees do have an entitlement in law to time off work in certain circumstances, in some cases with pay and this policy sets out those entitlements.
- 2.3 Requests for leave of absence must be approved in advance by the Line Manager and must be in writing by completion of the Leave of Absence Request Form (Appendix 1) unless impractical to do so. For example, in the cases of compassionate leave or domestic emergencies where requests to take leave may have to be made at very short notice, or even after the event.
- 2.4 In some circumstances it may be appropriate for the Line Manager to seek supporting information/documentation when considering a request for leave of absence.
- 2.5 This policy has been equality assessed to ensure it meets the requirements as set out in the Equality Act 2010.

## **3.0 Roles and Responsibilities**

- 3.1 The Line Manager is responsible for considering requests for leave of absence ensuring decisions are made fairly and consistently, taking into account all the relevant information.
- 3.2 A nominated person in each Academy/the Trust is responsible for notifying payroll of any leave granted without pay or where pay will be affected (e.g. jury service).
- 3.3 The Academy/Trust must keep a record of local decisions, including where requests are denied.

## 4.0 Bereavement Leave

- 4.1 Leave of absence with pay will be granted to all employees regardless of length of service. Consideration should be taken regarding the emotional impact and the levels of distress that bereavement may cause when considering a request.
- 4.2 Bereavement leave includes attendance at a funeral and will be granted to the employee in accordance with the following guidelines:
- Paid leave will be granted to the employee in circumstances of the death of a close relative (a close relative is defined as the employee's mother, father, sister, brother, wife, husband, civil partner, daughter, son, grandparent, grandchild, parent-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step parent, step child, step sister, step brother, foster child, legal guardian, domestic partner), or of someone who has been a significant part in the employee's life.
- 4.3 It is at the Line Manager's discretion to decide the number of days granted with pay. This will not normally exceed a total of 5 days. In exceptional circumstances, the Line Manager may extend paid leave. The Line Manager may also agree an additional number of days leave without pay, not normally to exceed 5 days.

## 5.0 Compassionate Leave

- 5.1 Compassionate leave may be granted in circumstances whereby:
- a close relative or someone who has a significant part in the life of the employee is terminally or seriously ill;
  - where an employee is suffering stress or hardship beyond their control or a personal crisis e.g. (not limited to) the breakdown of marriage or long term relationship or serious damage to their home due to flood/fire;
  - a serious emergency involving a close relative or partner.
- 5.2 The employee must notify their Line Manager as soon as possible of the reason for the absence or a need to leave the workplace if they are already at work. The employee must discuss with their Line Manager how much leave s/he may need to take.
- 5.3 It is the Line Manager's discretion to decide the number of days granted with/without pay.
- 5.4 If there is likelihood that the circumstances will persist, every effort should be made to support the employee. Managers/employees could consider amending the working

arrangements e.g. temporary reduction in working hours temporary change in working pattern/work break.

## **6.0 Time Off for Dependants**

- 6.1 Employees have a statutory right to reasonable unpaid time off work to deal with emergencies involving a dependant or to make any necessary longer term arrangements.
- 6.2 A dependant is a spouse, significant partner, child or parent of the employee (or anyone living in the employee's house as a member of the family but who doesn't pay rent) or someone who reasonably relies on the employee for help in an emergency situation.
- 6.3 Time off for dependants only applies to emergency situations and not events known in advance, for example:
  - a dependant falls ill/ is injured or assaulted, including time to make the necessary care arrangements;
  - unexpected disruption or breakdown in care arrangements, e.g. childminder/carer not turning up to care for the dependant, or a nursing home/nursery unexpectedly closing down;
  - a dependant having a baby who goes into labour unplanned;
  - child involved in an incident at school e.g. injured/excluded.
- 6.4 Where an employee needs to take time off for a dependant then they should discuss with their Line Manager how much time they may need to take as soon as possible.
- 6.5 Employees requiring longer term arrangements should refer to other policies and procedures such as Parental Leave Policy/Flexible Working Policy/Work Break.

## **7.0 Time Off for Hospital, Medical Screening, Doctor and Dental Appointments**

- 7.1 Employees are expected to arrange medical/dental appointments in their own time wherever possible or at the least disruption to the Academy/Trust such as at the beginning or end of the working day or during lunch breaks.
- 7.2 In exceptional circumstances the Line Manager may grant paid leave of absence. This may be appropriate where the employee has an on-going or chronic condition which may be covered by the Equality Act i.e. chemotherapy, radiotherapy, dialysis where either long courses of treatment are involved or the employee is required to see a specialist consultant, and it is difficult for the employee to make the appointment(s) outside of working hours. Time off may be granted for some or all of the appointments, depending on the

circumstances of the case. An appointment card or other documentary evidence should be provided and attached to the request for leave.

- 7.3 All non-elective hospitalisation will be treated as sickness and medical certificates must be provided in accordance with sickness procedures.
- 7.4 Paid time off will be given for the purpose of medical screening, when the condition is covered by the Equalities Act 2010. This is not classed as sickness absence and will be recorded as authorised special leave.

## **8.0 Time Off for Religious Observance**

- 8.1 Requests for time off for religious observance should be considered sympathetically and accommodated wherever possible, although extended absences will need to be balanced with the operational needs of the Academy/Trust.
- 8.2 Time off for religious observance will be taken as unpaid leave and authorised in advance by the Line Manager.

## **9.0 Members of Reserved Forces**

- 9.1 Volunteer reserve forces consist of the Royal Naval Reserves, Royal Marine Reserves, the Army Reserves and the Reserve Air Forces.
- 9.2 Employees who serve in a volunteer reserve force should inform their Line manager. The Ministry of Defence is required to also notify the employer.
- 9.3 In most cases, time off must be granted to the employee if s/he is called up to carry out his/her military duties. In exceptional cases, it may be possible to obtain an exemption if the absence of the employee will cause serious disruption to the Academy/Trust.
- 9.4 Reservists will receive pay from the Services so the Academy/Trust will not pay the employee during their absence. The Academy/Trust must ensure Payroll are informed when the employee commences military service, so that salary payments are stopped. Employers are also entitled to claim an 'employer's award' in respect of replacement costs incurred during the period of call-out that exceed the reservists earnings. Further information can be obtained from the following website link:

<https://www.gov.uk/government/publications/reservist-employers-toolkit/reservist-employer-toolkit#rights-and-responsibilities>

- 9.5 Employees will be expected to do their training at weekends or in the evenings or holidays.

- 9.6 The period of absence will count for continuous service and the employee has the right to return to his/her job on demobilisation, or to be offered suitable alternative work if his/her substantive role is not available.
- 9.7 The employee is entitled to remain in the Occupational Pension scheme during their absence and the MOD will pay the employers contributions.

## 10.0 Public Offices

10.1 Some public duties entitle an employee to time off work to carry out the role. Recognised public duties include:

10.1.1 Justice of the Peace (Magistrate).

A magistrate is required to be in court for at least 13 days (26 half days) per year. This must be balanced with commitments to the Academy/Trust.

10.1.2 Member of a local authority, police or health authority.

10.1.3 Governor of a school or college.

10.1.4 Member of any statutory tribunal, (e.g. employment tribunal).

10.2 There is no statutory entitlement for leave to be with pay. However, the Line Manager has discretion to allow up to 5 days paid leave per annum (on the provision that the employee does not claim for loss of earnings).

10.3 Time off must be agreed in advance with the Line Manager and the employee must provide adequate notice. Additional leave may be granted if considered reasonable by the Line Manager but this should be taken as unpaid leave. Where unpaid leave is granted, the Line Manager must ensure Payroll is notified.

## 11.0 Witness in Court

11.1 An employee receiving a summons to appear as a witness must report the fact to his/her Line Manager as soon as possible.

11.2 **Witness to a crime.** Where an employee is called as a witness to a crime, they will be released from work to fulfil that duty. The time off will be unpaid and claims for loss of earnings and/or travel and subsistence expenses will be made through the court system (see Jury Service below).

11.3 **Character witness.** Employees will be given reasonable time off to act as a character witness during a court hearing. The time off will be unpaid and claims for loss of earnings and/or travel and subsistence expenses will be submitted via the relevant solicitor.

11.4 **Court appearance by employee.** Employees are required to use annual leave and/or, work flexibly to make the time up (where applicable). Authorised unpaid leave will be granted where employees have insufficient annual leave (or have no leave entitlement due to term time working arrangements) or if the time cannot be worked back.

11.5 In the event of the employee not being required on a particular day, the employee must report for work if more than four hours of the working day remains.

## 12.0 Jury Service

12.1 An employee receiving a summons to serve on a jury must report the fact to his/her Line Manager as soon as possible.

12.2 On receiving a summons to serve on a jury the employee must:

- report the fact to the Trust/Academy as soon as the summons is received;
- notify the Trust/Academy of:
  - the date they are required to attend;
  - where known, the duration of the jury service; and
  - the court they are required to report;
- provide a copy of:
  - the Confirmation of Jury Service letter; and
  - the Certificate of Loss of Earnings; and
  - make a formal request for leave to their Line Manager.

12.3 Leave will be granted unless exemption or deferral from jury service has been secured.

12.4 The Trust/Academy will cease to pay salary during jury service. The employee is able to claim an allowance for loss of earnings from the Courts and Tribunals Service and will be given a Certificate of Loss of Earnings by the Court which must be forwarded to the Line Manager for completion.

The Trust/Academy will make a top-up payment to ensure the employee continues to receive their usual take-home pay for the period of jury service. On completion of jury service, the employee must provide their Line Manager with a statement or other evidence of the sum they have received from the Courts and Tribunals Service for loss of earnings to ensure that salary adjustments are accurate.



- 12.5 The employee should claim for any travel or subsistence expenses directly from the Court.
- 12.6 In the event of the employee not being required to serve on a particular day, the employee must report to work if more than four hours of the working day remains.
- 12.7 If the employee is not required to appear on a particular day or part-day, they must report for work as normal.
- 12.8 If jury service is cancelled or completed earlier than expected the employee must:
- inform the Academy/Trust and return to work immediately. Failure to do so will render the employee absent without permission and disciplinary action may be taken;
  - ensure that the leave request is cancelled.

### **13.0 Time Off for Union Duties**

- 13.1 Employees who are Trade Union Representatives within unions recognised for the purposes of collective bargaining have the right to paid time off to undertake their union duties. In addition, employees who are Trade Union Representatives have the right to paid time off to receive training to help them carry out their trade union duties.
- 13.2 Trade Union Representatives will be expected to arrange these duties so as to cause minimum interference to the Academy/Trust and should ensure that the Line Manager is informed of the need for the absence to be as far in advance as possible.

### **14.0 Time Off to Attend Interviews**

- 14.1 At the discretion of the Line Manager, paid or unpaid time off may be granted for attending job interviews as identified by the Redundancy Modification Order.
- 14.2 Where the Line Manager determines leave should be without pay they must ensure Payroll is informed.

### **15.0 Time Off to Attend a Graduation or Wedding**

- 15.1 At the discretion of the Line Manager, unpaid time off may be granted for attending the wedding of a close relative, or the graduation ceremony of a child or partner.
- 15.2 The Line Manager must ensure Payroll is informed.

## **16.0 Inability to get to Normal Place of Work/Emergency School Closure**

- 16.1 In the event of disruption to normal travel to work arrangements, for example, because of exceptionally poor weather conditions, employees should make every effort to get to work where it is safe to do so.
- 16.2 Where the Line Manager considers it was not safe/possible for the employee(s) to travel to work, or they instructed employees not to attend work, and it was not considered possible for an individual to work from home, time off with pay will be granted for the duration of the disturbance.
- 16.3 Where the Academy/Trust is unexpectedly closed for some other reason (e.g. flooding, fire, breakdown of essential equipment), employees will be expected to work from home, where the job role allows. Where this is not possible, employees will be granted leave with pay for the duration of the disturbance or until alternative arrangements are put in place.

## **17.0 Study Time**

- 17.1 Employees will be released from work to attend college/training in respect of courses the Academy/Trust are paying the employee to undertake.
- 17.2 Paid time will be approved for the employee to undertake any such examinations in respect of the course/training and in addition the employee will be approved the equivalent study time with pay.

## Appendix 1: Request for Leave of Absence

### Part A – For completion by employee

Forename:		Job Title:	
Surname:		Location:	
Type of Leave Requested:			
<input type="checkbox"/> Bereavement Leave <input type="checkbox"/> Compassionate Leave <input type="checkbox"/> Dependants Leave <input type="checkbox"/> Medical appointments/screening (please specify) ..... ..... <input type="checkbox"/> Religious Observance <input type="checkbox"/> Reserved Forces		<input type="checkbox"/> Witness Duty/Jury service (please specify) <input type="checkbox"/> Union Duties <input type="checkbox"/> Job Interview <input type="checkbox"/> Graduation/Wedding <input type="checkbox"/> Study Leave <input type="checkbox"/> Other (please detail) ..... .....	
Date for Requested Time Off:		Times of Absence if Part-Day:	
From:		From (Time):	
.....		.....	
To:		To (Time):	
.....		.....	
Actual number of working days requesting absent: ..... days			
Reason for request (please give details of circumstances):			
..... ..... .....			
Signed (employee):		Date:	

### Part B – For completion by the Line Manager

<input type="checkbox"/> Time off approved	
<input type="checkbox"/> With pay <input type="checkbox"/> Without pay	
<input type="checkbox"/> Time off approved but employee working time back	
<input type="checkbox"/> Time off not approved	
Signed Principal:	Date:
Signed Executive Principal	Date:
Date decision conveyed to employee:	

Completed form to be held on personal file – where leave is to be unpaid, send details to Payroll.