

## Leave of Absence Policy



BATH & WELLS  
Multi Academy Trust

---

'That they may have life, life in all its fullness' John 10:10

---

### **Bath & Wells Multi Academy Trust Leave of Absence Policy**

#### **Contents**

1. Purpose
  2. Applicability
  3. Roles and Responsibilities
  4. Principles
  5. Maternity, Adoption and Paternity Leave
  6. Parental Leave
  7. Time off for Dependents
  8. Compassionate Leave
  9. Time off for Hospital, Doctor or Dental Visits
  10. Medical Screening
  11. Time off for Religious Observance
  12. Members of Reserved Forces
  13. Public Offices
  14. Witness Duty
  15. Jury Duty
  16. Time off for union duties
  17. Time off to attend interviews
  18. Time off to attend a graduation or wedding
  19. Time off to move house
  20. Inability to get to normal place of work/emergency school closure
  21. Review
- Appendix 1: Quick Guide to Time off in Term Time
- Appendix 2: Request for Leave of Absence (*time off in term time*)

## **Leave of Absence Policy**

### **1. Purpose**

- 1.1 This policy sets out the approach to be adopted to deal with request for time off working during term time for school staff, and the circumstances in which paid leave and unpaid leave may be granted.
- 1.2 This procedure is effective from 1 April 2013 as approved by the Bath & Wells Multi Academy Trust (hereafter referred to as the MAT).

### **2. Applicability**

- 2.1 This procedure applies to all staff working in the MAT.
- 2.2 Teachers and term time only support employees have contracts of employment which provide for annual holidays to be taken during school closures. There is therefore no contractual entitlement to time off during term time. However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay and this policy sets out those entitlements. It is also recognised that from time to time, the school may agree to grant individual employees time off (paid or unpaid) during term time for a variety of reasons. Such time off may be granted on request and at the MAT's discretion.

### **3. Roles and Responsibilities**

- 3.1 The Headteacher is responsible for considering requests for time off during term time under the terms of this procedure, although they may choose to delegate responsibility to line managers. The Headteacher is responsible for ensuring that decisions about time off in term time are made fairly and consistently, taking into account all the relevant information.
- 3.2 Managers are responsible for communicating any decision regarding time off as soon as possible.
- 3.3 A nominated person in the school is responsible for notifying payroll of any leave granted without pay or where pay will be affected (e.g. jury service).
- 3.4 The school must keep a record of local decisions, including where requests are denied.
- 3.5 Employees are responsible for ensuring requests for leave are made in accordance with this policy.
- 3.6 Human Resources are responsible for advising management of the requirements of this policy.

### **4. Principles**

- 4.1 Requests for time off may be made orally or in writing, where specific requirements exist they are documented below.
- 4.2 In some circumstances it may be appropriate for management to seek supporting information/documentation when considering a request for time off in term time.

## **Leave of Absence Policy**

4.3 Time off must be approved in advance before it is taken, 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.

### **5. Maternity, Adoption, Paternity and Shared Parental Leave**

5.1 Employee's legal rights will be honoured in accordance with legislation and relevant conditions of service. Please see the MAT's Maternity, Adoption, Paternity and Shared Parental Leave policy for further details.

### **6. Unpaid Parental Leave**

6.1 From the 01 April 2015 parental leave is a statutory entitlement available for the purposes of caring for a child up to the age of 18. Prior to April 2015 it is a statutory entitlement for the purposes of caring for a child up to the age of 5, or for the 5 years following adoption (either up to the fifth anniversary of the adoption or up to the child's 18<sup>th</sup> birthday, whichever comes sooner) or up to the age of 18 for children whom disability living allowance has been awarded.

6.2 To be eligible the employee must have parental responsibility under the law for the child and have completed one year's service at the time they want to take the leave.

6.3 The employee must submit a request in writing to the headteacher in writing giving at least 21 days notice before the day they propose to start their leave. The request should specify when the period of parental leave is to begin and end.

6.4 Employees are entitled to take 18 week's unpaid parental leave. The leave must be taken in blocks of full weeks; a week is based on the employee's usual working pattern. Each parent cannot take more than 4 weeks' leave for any one child in an academic year. (Please see MAT's Maternity, Adoption, Paternity and Shared Parental Leave Policy for details of entitlement to these types of leave and pay)

6.5 Where an expectant father intends to take parental leave immediately after childbirth, notice should be given 21 days before the expected week of childbirth. Where an adoptive parent intends to take parental leave immediately following placement, notice should be given at least 21 days before the expected week of placement, or as soon as reasonably practicable.

6.6 Parental leave can be postponed by the employer for up to 6 months if it would cause significant disruption to the school. Where the leave is postponed, the headteacher will consult with the employee about a new date. They should write to the employee within 7 days of the request, stating the reason for the postponement and confirming the new start and end date. Parental leave cannot be postponed where the employee intends to take it immediately after the child is born or placed with them for adoption.

6.7 The MAT may request a copy of a child's birth certificate or adoption certificate or a signed declaration.

6.8 Employees returning from parental leave will have the right to return to the same job.

6.9 All of the parental leave will count as a period of continuous service and all contractual benefits remain unchanged throughout the parental leave period, with the exception of remuneration and pension contributions.

## **Leave of Absence Policy**

- 6.10 Employees who fall sick whilst on parental leave will be entitled to occupational sick pay in respect of any period of sickness and, on the provision of a doctor's note, will be able to take sick leave rather than parental leave.

### **7. Time off for Dependents**

- 7.1 Employees have the right to unpaid time off work to deal with emergencies involving a dependant.

- 7.2 A dependant is a spouse, 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.

- 7.3 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
- Unexpected disruption or breakdown in care arrangements
- A dependant who goes into labour unplanned
- Child involved in an incident at school

(This list is illustrative and not exclusive or exhaustive)

- 7.4 Where an employee needs to take time off for a dependant then they should inform their manager as soon as possible and let them know how long they expect to be absent. It is expected that time off should only last one or two days in order to deal with the initial need. Other longer term arrangements should be made where this is required.

### **8. Compassionate Leave**

- 8.1 Leave with pay for compassionate reasons (such as death or serious illness of a close relative) may be granted to all employees regardless of length of service. Compassionate leave would normally be granted by the headteacher.

- 8.2 There are no rigid criteria for compassionate leave but reasons may include:

- A personal crisis (e.g. serious damage to the home due to flood, fire or storm, breakdown of marriage or long term relationship).
- Attendance at the funeral of a close family relative, work colleague or close personal friend.
- A serious emergency involving a close relative or partner.

- 8.3 Compassionate leave will not normally exceed a total of five days in any one year (pro rata for part time employees). In exceptional circumstances the headteacher, in consultation with the chair of the local governing body, may extend paid leave where unforeseeable problems have arisen in the employee's contingency arrangements or where unpaid leave would cause significant financial hardship.

- 8.4 The employee must notify the headteacher (or his/her 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 will need to advise how much leave he/she expects to take.

### **9. Time off for Hospital, Doctor or Dental Visits**

- 9.1 Employees are expected to arrange medical appointments where possible outside normal working hours.

## **Leave of Absence Policy**

- 9.2 In exceptional circumstances where the headteacher accepts that this is not practical, the Headteacher may grant paid leave of absence for the minimum period required. Where it is not possible to arrange a medical appointment outside normal working hours appointments should be made which cause minimal disruption to the School (i.e. at the end of the day).
- 9.3 Where the employee has an on-going or chronic condition which may qualify as a disability and 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 it may be appropriate to grant paid leave of absence for appointments. Time off may be granted for some or all of the appointments, depending on the circumstances of the case.
- 9.4 The employee should give their Headteacher reasonable prior notice of the appointment and, if requested, produce evidence of each appointment.
- 9.5 Leave with pay for medical appointments of a day or less will not be treated as sickness absence for the purpose of sick pay entitlement. Medical appointments which require absence from work for two or more consecutive days will be treated as sickness absence and must, therefore, be recorded on the Sickness Declaration payroll form.

### **10. Time off for IVF Treatment**

- 10.1 Where possible staff should take flexible working time or annual leave to take time off for IVF treatment. Where this is not possible the manager/Headteacher may grant up to a maximum of 2 days paid leave in a twelve month period for employees to attend IVF treatment.

### **11. Medical Screening**

- 11.1 Paid time off will be given for the purposes of appropriate medical screening. This will not be regarded as sickness absence and the headteacher should record the absence as authorised/special leave.

### **12. Time off for Religious Observance**

- 12.1 Requests for time off for religious observance should be considered sympathetically and accommodated wherever possible, although extended absences (in excess of two weeks) will need to be balanced with the operational needs of the school.
- 12.2 Time off for religious observance should be taken as unpaid leave and authorised by the headteacher.

### **13. Members of Reserved Forces**

- 13.1 Volunteer reserve forces consist of the Royal Naval Reserves, Royal Marine Reserves, the Territorial Army and the Reserve Air Forces.
- 13.2 Employees who serve in a volunteer reserve force should inform the headteacher. The Ministry of Defence will also arrange for the employer to be notified and will follow this up annually to ensure the information held by the MoD is accurate.
- 13.3 In most cases, time off must be granted to the employee if he/she is called up to carry out his/her military duties. The period of call up can be up to one year in every three years. In exceptional cases, it may be possible to obtain an exemption if the absence of the employee

## **Leave of Absence Policy**

will cause serious disruption to the school. Such an application must be made within seven days of the reservist being issued with a mobilisation notice.

- 13.4 Reservists will receive pay from the Services so the school will not pay the employee during their absence. The school must ensure Payroll is informed when the employee commences military service, so that salary payments are stopped.
- 13.5 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 old role is not available.
- 13.6 The employee is entitled to remain in the occupational pension scheme during his/her absence and the MoD will pay the employer contributions, provided the employee continues to pay the employee contributions.
- 13.7 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.
- 13.8 If a reservist is required to undertake training and it is not practicable for the training to take place during the school holidays, the headteacher in consultation with the chair of governors may authorise paid leave, up to a maximum of two weeks per year. The employee should provide the headteacher with a minimum of 28 days notice. The school can claim from the MoD the costs associated with the employee undertaking training.

## **14. Public Offices**

- 14.1 Some public duties entitle an employee to time off work to carry out the role. Recognised public duties include:
  - Justice of the Peace
  - Member of a local authority, police or health authority
  - Governor of a school or college
  - Member of any statutory tribunal
- 14.2 There is no statutory entitlement for leave to be with pay. However, the headteacher has discretion to allow up to 5 days paid leave per annum. Payment will be at full salary minus any payment which the employee receives in respect of their duties. Employees therefore have a duty to inform the headteacher of their public duty appointment and of any payment they receive.
- 14.3 Time off must be agreed in advance with the headteacher and the employee must provide adequate notice. Additional leave may be granted if considered reasonable by the headteacher but this should be taken as unpaid leave. Where unpaid leave is granted, the headteacher must ensure payroll have been informed.

## **15. Witness Duty**

- 15.1 An employee receiving a summons to appear as a witness must report the fact to his/her headteacher as soon as possible.
- 15.2 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 available.
- 15.3 An employee attending court as a witness should receive from the court forms to claim for earnings. The forms should be forwarded to Payroll for completion. The employee should

## **Leave of Absence Policy**

then advise Payroll how much he/she expects to receive from the court. Payroll will then deduct an equivalent amount from a subsequent salary payment.

- 15.4 If a part-time employee undertakes witness duty on a day when he/she would normally not be working, the payment from the court for this day would not need to be deducted from the salary payment.

### **16. Jury Duty**

- 16.1 An employee receiving a summons to serve on a jury must report the fact to his/her headteacher as soon as possible.
- 16.2 Paid leave of absence will be granted for jury service.
- 16.3 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.
- 16.4 An employee serving as a juror must claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowance regulations.
- 16.5 The employee must inform Payroll of the allowance received so that an equivalent amount can be deducted from the employee's pay.

### **17. Time off for union duties**

- 17.1 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.
- 17.2 Trade Union representatives will be expected to arrange these duties so as to cause minimum interference to the school and should ensure that the Headteacher/Principal is informed of the need for the absence to be as far in advance as possible.

### **18. Time off to attend interviews**

- 18.1 At the discretion of the headteacher, paid time off may be granted for attending job interviews, up to a maximum of three days per annum.
- 18.2 Where the headteacher determines leave should be without pay they must ensure Payroll is informed.

### **19. Time off to attend a graduation or wedding**

- 19.1 At the discretion of the headteacher, paid time off may be granted for attending the wedding of a close relative, or the graduation ceremony of a child or partner, up to a maximum of two days per annum.
- 19.2 Where the headteacher determines leave should be without pay, they must ensure Payroll is informed.

### **20. Time off to move house**

## **Leave of Absence Policy**

20.1 At the discretion of the headteacher, paid time off may be granted for the purposes of moving house, up to a maximum of one day.

20.2 Where the headteacher determines leave should be without pay they must ensure Payroll is informed.

### **21. Inability to get to normal place of work/emergency school closure**

21.1 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 school where it is safe to do so. This includes in circumstances where the school may be closed to pupils,

21.2 Where the headteacher considers it was not safe/possible for the employee to travel to school, or they instructed staff 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. Where the headteacher considers leave should be unpaid, Payroll must be informed and a written reason for the justification should be kept on file.

21.3 Where the school is unexpectedly closed for some other reason (e.g. flooding, fire, breakdown of essential equipment), staff will be expected to work from home, where the job role allows. Where this is not considered possible employees will be granted leave with pay for the duration of the disturbance or until alternative arrangements are put in place.

### **22. Review**

22.1 This policy will be reviewed at least every three years or as a result of changes to legislation.

## **The Bath and Wells Diocesan Academies Trust operating as Bath & Wells Multi Academy Trust**

The Old Deanery, Wells, Somerset BA5 2UG Tel: 01749 670777 Fax: 01749 674240

[www.bathandwellsmat.org](http://www.bathandwellsmat.org)

A company limited by guarantee. Registered in England No. 8207095. VAT Reg. 170835015.

Registered Office as above.

## Leave of Absence Policy

### Appendix 1: Quick Guide to Time off in Term Time

Type of Leave	Paid / unpaid	Number of Days	Authorised by
Parental Leave (not Shared Parental Leave)	Unpaid	Up to 18 weeks per child	Headteacher
Time off for Dependants	Unpaid	Usually up to 2 days	Headteacher
Compassionate Leave	Paid	Up to 5 days (pro rata for part time)– can be extended	Headteacher
Hospital, Doctor, Dentist visits	Unpaid in most circumstances	As reasonably required. In exceptional circumstances paid at discretion of Headteacher.	Headteacher/line manager
Medical Screening	Paid	As reasonably required	Headteacher/Line Manager
Religious Observance	Unpaid	As reasonable	Headteacher
Reserve Forces	Mobilisation = unpaid ( <i>though Reservist paid by Services</i> ) Training = paid, at discretion of Headteacher	Mobilisation = as required Training = 2 weeks per annum	Inform Headteacher
Witness / Jury Duty	Paid upon receipt of the necessary forms.	As necessary	Headteacher to be informed
Public Duties	Paid, at discretion of Headteacher	Up to 5 days per annum ( <i>pro rata for part timers</i> )	Headteacher
Union Duties	Paid	As reasonably required	Inform Headteacher/Line manager
Attending job interviews	Paid/Unpaid	Up to 3 days paid per annum at discretion of Headteacher. Additional unpaid days may be granted at the discretion of the Headteacher.	Headteacher
Attending Graduation or Wedding	Paid/Unpaid	Up to 2 days paid per annum at discretion of Headteacher. Additional unpaid days may be granted at the discretion of the Headteacher.	Headteacher
Moving House	Paid/Unpaid	Up to 1 day paid per annum at discretion of Headteacher. Additional unpaid days may be granted at the discretion of the Headteacher.	Headteacher

## Leave of Absence Policy

Appendix 2: Request for Leave of Absence (*time off in term time*)

### Part A - for completion by employee

<b>Forename</b>		<b>Surname</b>
<b>Job Title</b>		<b>School:</b>

Type of Time Off Requested:

- Parental Leave
- Compassionate Leave
- Dependants Leave
- Reserve Forces
- Medical Screening
- Religious observance
- Witness Duty
- Jury Service
- Union duties
- Public duties
- Other (please detail below)

Dates for requested time off	From	To
Times of absence if part-day leave	From	To
Actual number of working days absent:	days	
Reason for Request (please give details of circumstances)		
Signed -	Date -	

### Part B - for completion Headteacher (or line manager where applicable)

- Time off APPROVED**
  - With Pay
  - Without Pay

(*Headteacher to inform payroll*)

- Time off NOT APPROVED**

**NAME** (*in block capitals*):

signed:

**DATE:**

**Date result conveyed to employee:**

COMPLETED FORM TO BE HELD BY SCHOOL– WHERE LEAVE IS TO BE UNPAID, SEND DETAILS TO PAYROLL