



LEAVE OF ABSENCE POLICY

Approved and signed by the Board of Trustees

8/12/16

Renewal date:

November 2016

CHANGES

August 2010:

Policy Implemented by PLP

March 2012:

Updated with changes to the Plymouth Book

October 2014:

Updated to include changes relating to leave for antenatal appointments

May 2015:

Updated to include IVF/Fertility treatment.

November 2016:

Adopted by Discovery Multi Academy Trust, with appropriate minor amendments.

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I INTRODUCTION

This policy provides information regarding the entitlements of staff to annual leave and to leave of absence, both paid and unpaid.

- This procedure applies to all MAT employees.
- All specific time off provisions (in days) detailed in this document will be provided on a pro-rata basis for part-time/job-share employees.
- 'Close relatives' or 'immediate family' are normally defined as husband/wife, permanent partner, children, parents, grandparents, sister/brother, parents-in-law or nominated next of kin. This also includes step children, foster and adopted children/parents.
- The Board Members have discretion to include grandparents or other relatives/carers who have taken on the main caring role or people who are not related but occupying a similar position in the family. Where this has been agreed the definition of 'close relatives' will need to be amended accordingly.
- Definition of dependant: a dependant is the partner, child or parent of the employee, or someone who lives as part of their family. For example, this could be a grandparent. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee.
- This policy does not cover maternity/adoption leave or time off for IVF and fertility treatment.
- All staff will be required to follow the MAT's procedures for requesting leave of absence and for reporting absence.
- Authorised paid and unpaid leave of absence from work for the reasons in this policy requires prior approval.
- The Board of Trustees has given delegated authority to the CEO to approve leave absence requests up to 5 days. For longer periods of leave of absence, the CEO must discuss each case with the Chair of the Board of Trustees, or his/her representative, and act on the recommendation made.
- The Board of Trustees have discretion to change the number of days leave to be approved by the CEO.
- Requests for paid or unpaid leave must be made in writing to the CEO with full reasons for the request. The request should be made as soon as it is known that it will be required and in any case not less than 4 full weeks in advance of the proposed absence, except in exceptional circumstances such as the illness or death of a family member.
- Leave of absence for other reasons not outlined in this policy should be made in writing to the CEO and they will be considered on their merits.
- Appeals regarding refusal of requests for leave of absence will be heard by the Board of Trustees Appeals Panel.

Requests for leave of absence will be considered taking into account

- The principles of this policy
- The best interests of the children and the MAT
- Treating staff in a fair, reasonable and consistent way

2 ANNUAL LEAVE

Teaching staff

- Teaching staff are not entitled to annual leave. Teaching staff are contracted to work 195 days per annum (pro rata for part-time staff).
- Requests for leave of absence on the defined working days will not normally be approved, except in accordance with the provisions of this document and under exceptional circumstances.
- Teachers will not be granted leave of absence for holidays in term time.

Support staff employed on a term time only basis

- Support staff employed on a term time only basis are not entitled to annual leave.
- MAT support staff employed on a term time only basis will normally work for the 190 or 195 days of the agreed MAT calendar for the academic year.
- Requests for leave of absence on the defined working days will not normally be approved, except in accordance with the provisions of this document and under exceptional circumstances.
- Support staff employed term time only will not be granted leave of absence for holidays in term time.

Support Staff employed to work throughout the year

Support staff employed to work throughout the year are entitled to annual leave.

The annual leave year for each employee will start on the anniversary date of the commencement of contractual employment.

- On commencement: 25 days (pro-rata) including 3 `extra statutory`/`local` holidays
- After 5 years' service: an additional 5 days is added to the initial leave entitlement

From 1 April 1998 additional annual leave for 5 years' service was granted pro rata to service in the leave year in which the fifth anniversary of appointment falls. The additional annual leave will be expressed in whole days, rounded up where necessary.

All annual leave entitlement including public holidays are pro-rata for part-time employees.

Requests to take annual leave should be made in writing to the CEO with as much notice as possible given prior to the period of leave requested. Whilst the MAT will endeavour to support requests to take annual leave on the days requested the needs of the MAT will be taken into consideration and there can be no guarantee that a request for time off will be supported. For this reason, staff are advised not to book and pre-pay for holidays in advance of receiving confirmation that a request for annual leave has been granted.

Requests for annual leave during term time, under normal circumstances, will not be approved.

Employees will not normally be able to carry over unused annual leave from one year to the next. In exceptional work related circumstances, CEOs have the discretion to allow employees to carry over up to five days leave.

In addition to the annual leave entitlement Support Staff employed to work throughout the year are entitled to the following:

- General, public and extra statutory holidays:
- Good Friday, Easter Monday, May Day Bank Holiday, Late Spring Bank Holiday,
- Late Summer Bank holiday, Christmas Day, Boxing Day and New Year's Day.

3 PARENTAL LEAVE

Please see our **Parental Leave Policy**.

4 MATERNITY/PATERNITY SUPPORT LEAVE

Please see our **Maternity/Paternity Policy**.

5 FAMILY SUPPORT LEAVE

Teaching staff

Upon the death or critical illness of a member of the employee's immediate family up to 5 days leave **with pay**.

- For the purposes of this policy critical illness means: non-routine hospitalisation, terminal illness or sudden illness which makes it necessary for the employee to make urgent and special arrangements for the care of the relative. This provision is to apply per occasion except when calculated over the MAT year, no more than 10 days leave with pay will be granted for critical illness absence in one MAT year.
- Time off to deal with emergencies: in the case of emergencies where there is no other person to look after the employee's sick child (or dependant) time off with pay will be granted for emergencies and sickness of a child/dependent. Employees will be granted 5 days paid leave of absence in any one MAT year to deal with emergencies, regardless of the number of children or dependants the employee has.

An additional 5 days leave **without pay** may be taken in either of the instances above.

Support Staff

Upon the death or critical illness of a member of the employee's immediate family up to 5 days leave with pay.

- For the purposes of this policy critical illness means: non routine hospitalisation, terminal illness or sudden illness which makes it necessary for the employee to make urgent and special arrangements for the care of the relative. This provision is to apply per occasion except when calculated over the MAT year, no more than 10 days leave with pay will be granted for critical illness absence in one MAT year.

- Sickness of a dependent: Following an initial five days of unpaid leave (or a combination of annual leave/time back) an additional five days paid leave may be granted to care for dependents, provided this is authorised by the CEO/Board of Trustees Staffing Panel.

NB: Board Members have discretion to extend this provision for support staff and the above provisions for support staff applies provided the Board of Trustees is satisfied no other arrangements can reasonably be made.

6 WEDDINGS

Teaching staff will be granted one day **without pay** to attend the wedding of close relatives. The CEO has discretion to increase this provision where a wedding is not being arranged locally, **without pay**. The CEO also has discretion to extend this entitlement to support staff.

7 RELIGIOUS OBSERVANCE DAYS

In respect of the observance of religious festivals for which there is no public holiday, up to 3 MAT days per year will be granted **without pay**. Leave will be granted only for those days when the requirements of the festival make it impossible for the employee to work. Absence for religious festivals should be planned ahead at the beginning of each academic year.

The CEO has discretion over the number of days awarded without pay for religious observance.

8 GRADUATION CEREMONY

Teaching staff will be granted time off to attend the graduation ceremony of the employee or member of the employee's immediate family- one day **without pay**.

The CEO has discretion to extend this entitlement to support staff

9 OPTICIAN, DOCTOR AND DENTAL APPOINTMENTS

These should be arranged outside of MAT hours except in an emergency.

Urgent dental treatment should be treated as sickness and there will be no need for leave of absence to be requested. If, however, the treatment could reasonably have been dealt with outside working hours, formal application for leave of absence should be made.

If such an emergency requires the employee to continue to be absent from work for a period longer than that necessary to gain treatment, the absence will be treated as being due to ill health and the normal sickness procedures will be followed.

10 HOSPITAL APPOINTMENTS

Medical appointments are unpaid and should wherever possible, be taken in the employees own time. The opportunity to 'make up' hours lost through medical appointments may be offered to all staff, including those on pre-defined shifts and rotas, subject to prior notification to and approval of the CEO. Time off for medical appointments will not be unreasonably withheld.

Medical appointments at the request of the employer or related to industrial injury will be paid.

Payment in respect of medical appointments related to a disability as defined by the Equalities Act 2010 will be considered in line with the duty to make reasonable adjustments.

Paid time off will be given to attend ante-natal appointments, on the employee producing proof of the appointment.

'Qualifying partners' of pregnant women have an entitlement to unpaid leave to attend antenatal appointments. The entitlement is limited to two antenatal appointments. MATs may choose to offer more generous terms in relation to both pay and the number of appointments for which leave may be granted.

11 IVF FERTILITY TREATMENT

Up to 26 days of unpaid leave in an academic year for IVF and fertility treatment will be granted on application.

This entitlement is for married couples, civil partners, unmarried couples (including same sex partners) and individuals.

12 ELECTION DUTIES

Leave of absence, **with pay**, will be granted to employees to assist at European, National, Regional or Local elections, or official referendums. A formal letter of appointment from the returning officer must be provided.

13 EXAMINATION STUDY LEAVE

Paid leave of absence for one day will be granted for teaching staff for final revision prior to sitting a recognised relevant examination.

Teachers are entitled to **paid leave of absence** for sitting approved examinations.

The CEO has discretion to extend these entitlements to support staff.

14 MOVING HOUSE

Teachers will be granted one day **with pay** in one MAT year if the day of the move is unavoidably on a weekday in term time.

The CEO has the discretion to extend this entitlement to support staff.

15 JURY SERVICE

Time off **with pay** will be granted for jury service. Where loss of earnings can be claimed this must be reclaimed through the MAT insurance policy.

16 ATTENDANCE AT COURT

Employees who are required to attend court as a witness either in a criminal case or a civil case where a witness summons or subpoena is issued will be granted time off **with pay**. Where loss of earnings are paid the employee must claim and pay the allowance to the MAT.

For court proceedings other than those above, for example custody of children, maintenance payments and other Court appearance where the employee is defendant or involved in non-criminal proceedings, one day will be granted **without pay**, except where the employee is entitled to annual leave.

The CEO has discretion where the attendance lasts more than one day to award additional days without pay.

17 PAID ABSENCE FOR OTHER PUBLIC DUTIES

The CEO has discretion to recognise public duties other than those listed below. Requests for paid absence to fulfil other public duties may be referred to the Board of Trustees. Paid absence for public duties/bodies should be taken only where necessary to undertake the role(s)

Where an allowance is paid, the MAT will reclaim costs incurred by their absence from work, from the employee, up to the full allowance received e.g. jury service and armed forces. This will not apply to election duties.

- TA and Auxiliary Forces
Absence of up to 10 days a year. An employee absent from work due to service with the Reserve Forces should claim payment for the period away from work from the Reserve Forces in the usual manner.
The employee should repay to the MAT a sum of money equivalent to their normal earnings for the period of their absence.
Any Reserve Forces earnings over and above the employee's normal earnings, are unaffected and kept by the employee.
- Attendance as elected members at local authority meetings and properly established committees up to 20 days per year.
- Governor's duties: for members of another MAT's Board of Trustees up to a maximum of 20 hours per annum depending on the reasonableness of the request.
- Magisterial duties: leave of absence will be granted to employees appointed as magistrates to make the minimum attendance required by the appointment, including training.
- Candidates for parliamentary elections: maximum of 5 working days
- Election duties: leave of absence will be granted to employees to assist at European, National, Regional or local elections, or official referendums.
- Voluntary Lifeboat Persons and Retained Fire Fighters: leave of absence for emergency call out and up to three days training.

18 INTERVIEWS

Paid absence will be granted to employees who are invited for a recruitment interview.

Teachers will be allowed time off to attend interviews **with pay** (including posts in the independent sector) for a maximum of 6 days in any one MAT year.

The CEO has discretion to consider additional requests for time off for interviews.

Paid absence will also be granted to any employee who has been identified as being at risk of redundancy, for interviews with any organisation. (See also MAT Redundancy Procedures.)

19 APPROVED UNION/PROFESSIONAL ASSOCIATION ACTIVITIES FOR ACCREDITED REPRESENTATIVE

Please see separate guidance contained in the facilities agreement for MATs and the Plymouth book.

20 SEVERE WEATHER CONDITIONS

These arrangements will be applied when there are severe weather conditions. If there is any doubt as to whether they will apply advice should be sought from the HR Adviser. The criterion which will be used is the extent to which most means of transportation cease or are seriously disrupted.

If a decision has been made that any academy in the MAT is closed to pupils due to severe weather conditions, the Head of School and the CEO need to decide if staff are required to attend. Where staff have been informed that they are not required to attend, they should be paid normal salary. This decision should only be taken in exceptional circumstances.

If the academy in question is open, the CEO should determine whether a member of staff has made reasonable attempts to get to MAT.

If a reasonable attempt to attend has been made, then the absence should be **with pay**. The extent to which most means of transportation cease or are seriously disrupted will need to be taken into account.

If weather conditions are not severe and staff do not turn up, the CEO may ask those staff to make up the time, or alternatively the period will be **without pay**.

In the case of support staff employed throughout the year they will be expected to take annual leave.

If staff do not turn up the CEO may ask those staff to make up the time or alternatively salary will be deducted. Staff who arrive late and who remain at MAT until the end of the day should not suffer loss of pay.

If the MAT releases staff early, they should not suffer loss of pay. If the member of staff will be absent or late they must make every effort to telephone the MAT to report the circumstances.

Note: in applying the above procedures, CEOs should look flexibly at the alternatives to unpaid leave which are available to them. For example:

- Working from home

- Flexi time
- Time in lieu
- Temporary adjustment to hours
- Annual leave

This list is obviously not exhaustive and further guidance is available from the MAT's HR Adviser.

If the member of staff is ill on the day or days when there are severe weather conditions, the MAT's normal sickness reporting and recording procedures will apply. Employees who are on training courses and are unable to attend the training venue should if possible report to MAT. If they are unable to attend work, then the above will apply.

Absences caused by the urgent need to care for children, elderly, other close relatives whose schools, Day Centres or other establishments may have been closed because of severe weather conditions will be considered under Emergency leave. If the CEO is satisfied that the member of staff had no alternative but to stay at home with the child/person, then pay should be granted. However, there is an expectation that all reasonable attempts to make alternative arrangements and/or share the responsibility of care with their partner if appropriate.

21 UNEXPLAINED/UNCERTIFIED ABSENCE

As soon as it becomes apparent that an employee is absent without an acceptable explanation or medical certificate, the CEO should write to the employee. The letter should note the date from which the employee was absent and that no medical certificate or satisfactory explanation has been received. It should remind the employee of his/her obligations and say he/she will not be paid beyond the last date at which he/she was either present at work or absent with an explanation. The letter should also invite the employee to a meeting and give the date and time.

If, within a calendar week, there is no response or no acceptable mitigating circumstances, a further letter should be sent by recorded delivery (and also by ordinary post in case the person does not accept delivery of the recorded item). It should refer to the earlier letter, state the lack of response and explain that unless the employee returns by a specified date (a week later) or unless a medical certificate or acceptable explanation covering the whole period of absence is received by that date, a hearing will be convened to consider the employee's dismissal. The letter should state that if the employee fails to attend the hearing on the date and time provided, a decision will be considered in his/her absence which is likely to result in dismissal for breach of contract of employment.

If there has been no acceptable response by the specified date, the CEO should convene a Board of Trustees panel, where the employee's dismissal is considered. The employee should be notified in writing of the hearing and include in the letter the fact that if the employee does not attend the hearing a decision may be taken in his/her absence.

If the employee is dismissed at the hearing (irrespective of whether s/he attended the hearing), s/he has the right of appeal to the Board of Trustees Appeals Panel. The employee will be informed of this in writing.

Employees returning to work within the above time periods, who are unable to provide satisfactory reasons for their absence, will be subject to disciplinary action in accordance with

the disciplinary procedure and will not be paid for the period of unauthorised absence. Employees who return to work and provide medical confirmation of their absence may also be subject to disciplinary procedure for failing to follow the MAT's procedure for the reporting of sickness.