



PONTEFRACT

ACADEMIES TRUST

Leave of Absence Policy, including Annual Leave provisions

ALL STAFF

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1. Introduction, Purpose and Scope

1.0 INTRODUCTION, PURPOSE AND SCOPE

- 1.01 The Pontefract Academies Trust (“The Trust”) is committed to giving all employees the support and encouragement they need to raise aspirations, unlock potential and work to achieve excellence through encouraging a “can do” culture, across all areas of the Trust.
- 1.02 The Trust expects all its employees to recognise their employment obligations to the Trust, pupils, staff and their communities. Employees must conduct themselves properly at all times in accordance with the Trust’s Staff Code of Conduct and other policies and procedures.
- 1.03 This policy recognises the statutory entitlement to **unpaid** time off to attend urgent matters related to dependants, best practice in seeking to maintain good working relationships between staff and management and the operational needs of each academy. Wherever possible, the Trust has gone beyond its statutory requirements and has provided provision for paid time off, in certain circumstances.
- 1.04 Employers are legally obliged to provide special leave to employees for:
- carrying out public duties
 - court service (not including Jury Service)
 - trade union duties and activities
 - military training and service
 - personal and domestic leave in emergencies.
- However, this policy outlines a number of other circumstances where leave will be agreed.

1.1 PURPOSE

- 1.1.1 The purpose of this document is to provide the Trust with a policy and procedures to ensure that there is a clear, consistent and fair approach across the Trust when dealing with absence requests from employees.
- 1.1.2 This policy aims to:
- comply with statutory entitlements to leave of absence.
 - clarify the conditions under which other leave of absence may be requested and agreed.
 - enable a consistent and transparent approach to requests for leave of absence.
 - to establish systems which are fair to all employees.
- 1.1.3 Guidance on Maternity/Adoption/Paternity and Parental Leave is documented in those specific policies.
- 1.1.4 Employees will appreciate that any abuse of these provisions may lead to disciplinary action being taken.

1. Introduction, Purpose and Scope

1.2 SCOPE

- 1.2.1 All employees should be aware that agreeing requests for special leave is not an automatic entitlement and the operational needs of students and the academy are a priority, which may mean there may be times when a request for leave is refused.
- 1.2.2 There may be occasion when a situation arises that is not identified in this policy. In these circumstances, the decision to agree the leave of absence request is within the discretion of the CEO/Executive Director/Headteacher/Head of School.
- 1.2.3 Any leave of absence taken by employees is likely to cause disruption to students learning; incur additional staffing costs for the Trust (or academy) and involves additional organisation or administration. All staff should be mindful of this and, as far as is reasonably practical should make arrangements to minimise requests for leave of absence. It is recognised however, that situations will arise from time-to-time, where leave of absence requests are unavoidable.
- 1.2.4 Each Academy will have their own systems to request leave, ensuring that a Manager agrees the request and any payroll changes can be administered.

1.3 PROCEDURES

- 1.3.1 All requests will be based on individual circumstances and the Manager will be mindful of consistency and fairness.
- 1.3.2 All specific time off provisions detailed in this policy relate to full-time staff and will be pro-rata for part-time employees.
- 1.3.3 For the purposes of annual leave the leave year is September to August for support staff.
- 1.3.4 When considering requests for leave of absence, Manager's will also look flexibly at the alternatives to unpaid leave. These include:
- Time in lieu (with prior authorisation)
 - Annual Leave
 - Temporary change in hours
 - Temporary changes to non-teaching timetabled periods
- 1.3.5 Annual Leave provisions are outlined in section 3.
- 1.3.6 Specific Leave of absence provisions are outlined in Section 5.

2. Roles and Responsibilities

2.0 ROLES AND RESPONSIBILITIES

2.1 CEO/EXECUTIVE DIRECTOR/HEADTEACHER/NOMINATED MANAGER RESPONSIBILITIES

2.1.1 The CEO has responsibility to ensure that this policy is applied fairly and consistently across the Trust.

2.1.2 Throughout this procedure, the term “Manager” will refer to the CEO/Executive Director/Headteacher/Head of School or nominated Manager with the delegated authority to agree leave.

2.1.3 The CEO/Executive Director/Headteacher/Head of School may exercise discretion to agree paid or unpaid leave outside the parameters of this policy, on a case-by-case basis.

2.2 EMPLOYEE RESPONSIBILITIES

2.2.1 Employees should be mindful of the likely disruption caused by unplanned absences and wherever possible, endeavour to minimise the length and frequency of any requests.

2.2.2 Within each Academy a nominated administrator/officer should be responsible for updating personnel records and administering any payroll changes, relating to unpaid absences.

2.2.3 Employees are responsible for requesting leave, within reasonable timeframes. Staff will be aware that there may be occasions, for educational and/or business reasons, requests for leave will be declined.

2.3 HUMAN RESOURCES MANAGER/ADVISOR ROLE

2.3.1 The Human Resources Manager will provide advice and assistance to Managers regarding the operation of this procedure.

2.4 CONFIDENTIALITY

2.4.1 Confidentiality must be maintained by all parties, and in sensitive circumstances, the reasons for leave may be discussed between the individual and their Manager, or another nominated Manager.

2.5 RECORDS

2.5.1 Records of leave of absence requests will be recorded on the employee’s personnel file.

3. Annual Leave

3.0 ANNUAL LEAVE

- 3.1 Teachers accrue statutory holiday entitlement of 28 days per year in accordance with the Working Time Regulations (pro-rata for part-time employees). This statutory holiday entitlement will be offset by any school closure periods. Term time only staff will receive payment for annual leave in their salary calculation which will, in effect, increase the number of weeks they are paid for above those worked. Annual leave is thus deemed to occur during school holidays.
- 3.2 For all year-round staff their annual leave entitlement will be documented on an annual leave card. Annual leave records are held in each Academy. Where required, a specified number of days annual leave must be taken when the Academy is closed to staff (such as over the Christmas period). Managers will communicate any local arrangements.
- 3.3 It is expected that no more than one week of annual leave is taken in term time for those staff employed all year round. Managers have the discretion to agree more than one week, subject to business need within their team. Generally, at least one week's notice is required for annual leave requests.
- 3.4 To ensure work/life balance employees are expected to use their full annual leave entitlement and, as such, employees will not normally be able to carry over any unused annual leave to the following year. In exceptional cases, the Manager has the discretion to agree up to 5 days annual leave to be carried over to the following leave year. Any carried over leave must be taken by 31 October or the carried over leave will be lost. There is no contractual right to be paid for unused annual leave and Managers will ensure, that wherever possible, annual leave is taken within the annual leave year.
- 3.5 Any employees who find it difficult to take their annual leave must discuss the matter with their Manager to ensure healthy working practices are maintained.

4. Time off for other reasons

4.0 TIME OFF FOR OTHER REASONS

4.01 This area of the policy details occasions and circumstances where an employee can request leave of absence. This is detailed in the summary document in **Appendix A** of this policy. Generally, all the leave combinations below are based on a rolling 12-month period.

4.1 PUBLIC DUTIES

4.1.1 Employees who hold specified public positions have a statutory right under the Employee Rights Act 1996 to 'reasonable' time off work to carry out their duties. These include:

- Justices of the Peace
- Local Authority members
- Members of health bodies or police authorities
- Governors

4.2 COURT /JURY SERVICE

4.2.1 There is no legal requirement to provide time off for jury service, but time off is normally granted although a deferral may be requested.

4.2.2 Staff summoned for jury service will be expected to attend court unless they are ineligible, disqualified or excused by the court. Managers may request that the employee applies for a deferral if jury service falls during a period which would have a major impact on student progress and/or Academy organisation. www.gov.uk provides relevant advice on applying for a deferment. Each application is considered on its own merits, and applications must be made by those who have been summoned – Managers cannot make an application on an employees' behalf.

4.2.3 There is no right to paid leave to attend court as witnesses, but staff may request unpaid leave.

4.3 TRADE UNION DUTIES AND ACTIVITIES

4.3.1 *Officials* of recognised trade unions have statutory rights to take a reasonable amount of **paid** time off to carry out their duties. For Officials (shop stewards etc.) appropriate duties must be concerned with:

- negotiations with the employer
- other functions on behalf of employees (terms of employment, discipline etc.)
- relevant training (e.g. on negotiating skills, legislation).

4.3.2 Union learning representatives are also entitled to reasonable **paid** time off.

4. Time off for other reasons

4.3.3 Trade Union **members** have a right to reasonable **unpaid** time off to participate in union activities. Activities that might entitle union members to **unpaid** time off may include:

- attending workplace meetings about the outcome of negotiations
- meeting full-time officials
- voting in union elections.

4.4 MILITARY TRAINING AND SERVICE

4.4.1 There is no legal requirement to provide time off for Volunteer Reservists military training, but at the Head of school's discretion, some time off may be granted. During military service – if their normal pay is higher than their military pay, they can claim the difference. The school may claim for the costs of cover.

4.5 LEAVE FOR DEPENDANTS (CARER'S LEAVE)

4.5.1 Employees are entitled to time off to:

- **care for dependants** in certain emergencies.
- to make **funeral arrangements for dependants** and attend their funeral.

4.5.2 A dependant is defined as:

- a spouse or civil partner, child, parent or someone who lives in the same house (but not a lodger or tenant); or
- any person who reasonably relies on the employee for assistance when they fall ill, are injured or assaulted, or to make arrangements for provision of care in the event of their illness or injury.

4.5.3 Under the 1996 Employment Relations Act, employees may take a reasonable amount of time off:

- to help when a dependant falls ill, gives birth, is injured or assaulted
- to make arrangements to care for an ill or injured dependant
- because of unexpected disruption to the care of a dependant
- as a result of the death of a dependant
- to deal with an incident involving an employee's child and occurring at the child's school.

4.5.4 What is 'reasonable' is not specified in the legislation, but it is intended that in situations when usual childcare provision breaks down, time off should be limited to one day, to make alternative provision. Only one employee per household will be granted leave in the case of domestic emergencies.

4.5.5 Where a family member is referred to, the definitions are below:

- 'Immediate family' is defined as spouse, partner, parents, children, brother, sister, dependant relatives, of the employee or their partner/spouse. This includes step-children, foster and adopted family members.

4. Time off for other reasons

- 'Close relative' is defined as grandparents, uncle/aunt, niece/nephew first cousin, mother/father-in-law, son/daughter-in-law of the employee or their spouse/partner. Consideration may be given to family members not listed, on a case by case basis.

4.6 OTHER PERSONAL & DOMESTIC LEAVE

4.6.1 There is no statutory right to time off for personal and domestic reasons except to care for dependants. However, employees may be granted reasonable time off for unexpected and significant domestic emergencies like fire, flooding or burglary (this does not include foreseeable absences) or for personal reasons (not involving dependants which is covered under Dependants/Carer's leave).

4.6.2 The maximum paid leave granted will normally be **5 days in a 12 months rolling period**. Depending on the personal circumstances, additional unpaid leave may be granted at the Head's discretion.

4.7 RELIGIOUS OBSERVANCE

4.7.1 There is no statutory right to time off and facilities for religious observance, but the Trust will try to accommodate requests where possible. An employee may request leave where their religion or faith requires them to attend an event of particular importance to their religion, or cultural group, on a day when they would normally be working. Requests will be sympathetically considered where it is reasonable and practical for the staff member to be away from work.

4.8 MEDICAL/DENTAL APPOINTMENTS

4.8.1 There is no statutory right to time off to attend medical or dental appointments, but absence may be granted where it is not possible for the employee to arrange an appointment outside of their working hours.

4.8.2 Urgent treatment will be treated as sickness absence and as such no leave request is required.

4.8.3 Where an employee cannot determine if the appointment is in their own time then an appointment may be made in working time, and time off with pay will be granted up to a maximum of three paid days. Following this, unpaid leave may be granted.

4.8.4 All non-elective hospitalisation will be treated as sickness absence. If a medical appointment requires the employee to undergo further treatment this will be treated as sickness absence.

4. Time off for other reasons

4.8.5 The Trust recognises that often an employee has a number of medical appointments for exploratory, diagnostic or pre or post-treatment reasons. Employees should be aware that their Manager is able to discuss the reasons for medical appointments with the employee to ensure appropriate support can be agreed (e.g. temporary alternative working arrangements), to minimise any impact on teaching and learning.

4.8.6 Generally, requests for cosmetic surgery and non-surgical cosmetic procedures will be declined. The exceptions to this are where surgery is relating to a medical condition, or ongoing medical treatment (e.g. reconstruction surgery). Each case should be discussed with the Manager.

4.9 MEDICAL LEAVE FOR DEPENDANTS

4.9.1 Medical appointments for a dependant are expected to be made outside normal working hours. In situations where this is not possible, reasonable requests to attend hospital or emergency appointments with dependants will normally be granted and paid. This will be considered within the arrangements for dependant leave. (Up to 5 days per 12 months rolling period).

4.10 FERTILITY TREATMENT

4.10.1 Wherever possible, appointments related to fertility treatment should be arranged outside of working hours. Where this is not possible, a member of staff may be granted up to two working days of paid leave in any 12-month rolling period for the purpose of receiving and recovering from IVF treatment and to attend appointments specifically associated with the IVF process (i.e. pre-booked interventions for consultant appointments, collection and delivery of eggs, monitoring tests, etc.).

4.10.2 Should this time allowed be exhausted, there should be a discussion with the individual to help establish whether annual leave, sickness absence or flexible working arrangements would be the most appropriate to use.

4.10.3 Should the member of staff require time off because of the side effects of the treatment, this will be subject to the Trust sickness absence provisions. Sickness absence associated with IVF treatment will not be regarded as 'pregnancy-related'.

4.11 TRAVEL DELAYS

4.11.1 If an employee is delayed returning to work due to delays or changes to their travel plans for reasons outside their control (e.g. flight delays, transport strikes) then it is the employee's responsibility to maintain communication with their Manager and keep any delays to an absolute minimum.

4. Time off for other reasons

4.11.2 If there is no provision to use annual leave, then any additional leave will be unpaid. Employees are reminded that in the first instance they should seek compensation from their travel company/insurance provision. Managers are able to ask the employee for any relevant documentation regarding travel plans in these circumstances.

4.12 POOR WEATHER/ACADEMY CLOSURES

4.12.1 When the decision is made to close the employee's place of work due to exceptional circumstances, including poor weather conditions, staff will be advised if they should attend work. Where staff have been informed that they are not required to attend work, they will be paid their normal salary.

4.12.2 When the employee's usual place of work is open as usual, then all members of staff must make every effort to get to work, this includes using public transport links. It is accepted that the health and safety of colleagues is paramount, and so wherever possible public transport should be used when driving conditions are unsuitable.

4.12.3 Generally, where staff arrive late, due to exceptional circumstances any arrival time up to **10am** is considered to be a full day.

4.12.4 Should an employee not be able to attend work because public transport to their place of work is unavailable (e.g. rail and bus route closures) and they have exhausted every reasonable alternative route of transport, this will be recorded as an authorised leave, with pay.

4.12.5 If, based on an employee's own concerns about their health and safety, they make the decision not to attempt the journey to work then this absence maybe considered as authorised leave, without pay.

4.12.6 In all cases, several factors influence the decision as to whether leave is agreed or unauthorised, they may include; the number of staff who have been able to attend work, where the employee lives, relevant travel advice from recognised sources (e.g. public transport websites, local BBC travel advice)

4.12.7 If a school closure creates a child care issue, then it may be possible to bring your child into work with you, as this would be considered an exceptional circumstance. Generally, this would not be permissible for unplanned closures of other schools/child care facilities, however each case will be considered on an individual basis. Please discuss this with your Manager prior to making your journey to work.

4. Time off for other reasons

4.13 LEAVE OF ABSENCE WITHOUT PAY

4.13.1 In addition to the provisions above, the Chief Executive Officer/Executive Director/Headteacher/Head of School has the discretion to agree leave of absence, without pay. Each case will be considered on an individual basis. Requests would normally be considered based on educational, development or compassionate grounds. Any requests for leave of absence to undertake other paid work will not usually be considered

4.14 TOIL ARRANGEMENTS

4.14.1 Where in operation, Managers are able to agree to 'TOIL' arrangements and for employees to 'take back' any additional hours worked. Generally, Managers should follow the provisions below:

- Managers have the discretion to agree arrangements that are appropriate for the particular role/team and are trusted to use their professional judgement and discretion.
- Managers must ensure that they use their discretion and judgement in line with the general principles adopted within the Trust for the purposes of equal and fair treatment of all staff.
- Staff must have the prior approval of their line manager for working hours in addition to their contractual working hours.
- Managers will agree arrangements within their teams about how hours are recorded. This could be a timesheet or other official record, but line managers must ensure that:
 - arrangements are transparent
 - they are aware of when the additional hours are being worked
 - they keep their own records and evidence of approval given (e.g. email trail).
- Managers must have a process for employees to request TOIL (time taken back), so they have sufficient notice of the request and can assess if leave is likely to impact the normal running of the academy.

4.14.2 Employees are reminded that TOIL arrangements are not a contractual right. The Trust reserves the right for TOIL arrangements to be withdrawn at any time and any hours owing worked back at the instruction of the Trust, or appropriate overtime paid.

4.14.3 Abuse of TOIL arrangements is likely to result in disciplinary action.

5. Summary of Leave Provisions

5.0 SUMMARY OF LEAVE PROVISIONS

- 5.01 The following is for information only, as a guide to how requests for taking time off work are likely to be dealt with under the Leave of absence policy. All arrangements are pro-rata for part time employees.
- 5.02 Requests for time off are administered through arrangements in each Academy, which is monitored by a member of the Leadership Team to establish consistency, fairness and good practice.

A: STATUTORY LEAVE			
REASON	AMOUNT OF TIME	PAID (in any rolling 12-month period)	UNPAID
Public Duties (e.g. public positions such as a school Governor, magistrate, or member of a local authority)	Up to 5 days paid leave.	Yes	If requests exceed 5 days.
Trade Union duties and activities	Reasonable	For TU <i>duties</i>	If TU <i>activities</i>
Military service	Duration of service	Military pay	Yes
Leave for Dependants (to care for, or make arrangements, and attend funerals for dependants or immediate family members. This includes medical appointments for dependants).	Reasonable	Discretionary paid leave up to 5 days (Note: A maximum of 5 days paid leave will be agreed in total for leave for dependants and unexpected emergencies)	If paid leave exhausted, at CEO/Executive Director/Headteacher/Head of School's discretion.
Jury service	Duration of Jury Service	If the employee claims the loss of earnings allowance from the court this will be "topped up" to equal full pay.	N/a

5. Summary of Leave Provisions

Witness/appearance in court	Duration of court appearance	Yes, as part of their normal paid duties if attending as a witness for the Academy/ Trust. If subpoenaed or summoned paid leave will normally be granted if the employee claims the loss of earning allowance from the court	Yes, if not attending for the employer, and not summoned or subpoenaed.
B: DISCRETIONARY LEAVE			
REASON	AMOUNT OF TIME	PAID (in any rolling 12-month period)	UNPAID
Unexpected and significant domestic emergencies (if not covered by Leave for Dependants) <i>Only one employee per household will be granted in the case of domestic emergencies*</i>	Up to 5 days (Note: A maximum of 5 days paid leave will be agreed in total for leave for dependants and unexpected emergencies)	Yes – up to 5 days <i>It is intended that in situations when usual childcare provision breaks down, time off should be limited to one day, to make alternative provision.</i>	If paid leave exhausted, at CEO/Executive Director/Headteacher/ Head of School's discretion.
Funeral of other close family member.	1 day paid (inclusive of travel time)	1 day	Unpaid for any additional time off
Any other funeral	1 day (inclusive of travel time)	None	1 day
Religious observance – subject to provisions in the main policy.	Up to 3 days	1 day	2 days in any rolling 12-month period.
Medical leave – subject to provisions in the main policy.	Up to 3 days	3 days	N/a – further medical leave will be treated as sickness absence.
Fertility Treatment – subject to provisions in the main policy.	Reasonable	2 days	N/a – further leave will be treated as sickness absence.

5. Summary of Leave Provisions

C: OTHER DISCRETIONARY LEAVE

No combination of other leave provisions (outlined in this section) must exceed five days paid leave of absence in any 12-month rolling period.

REASON	AMOUNT OF TIME	PAID (in any rolling 12-month period)	UNPAID
Moving house	1 day	Yes if -in connection with taking up employment with the Trust; or -hours lost are made up at another time, or at CEO/Executive Director/Headteacher/Head of School's discretion due to circumstances	Unpaid if hours lost cannot be made up at another time.
Attending a wedding – own wedding	None	Employee's own weddings should be arranged in non-working time. This includes travel time.	
Attending a wedding – immediate or close family member	1 day	1 day paid	No additional time will be agreed.
Attending a wedding – other/non-family member	1 day	None	1 day
Attending a graduation – own or immediate family member	1 day	1 day paid	No additional time will be agreed.
Attending a graduation – other/non-family member	1 day	None	1 day
Job interview – Trust role, or where there is a formal arrangement with the Trust (e.g. Teacher Training programme).	Reasonable	Up to 3 days paid	Reasonable
Job interview – non-Trust role in schools, academies or LGE employer	Reasonable	1 day paid – unless at risk of redundancy.	Reasonable

5. Summary of Leave Provisions

REASON	AMOUNT OF TIME	PAID (in any rolling 12-month period)	UNPAID
Job interview – outside education.	Reasonable	None – unless at risk of redundancy.	Reasonable
Induction or pre-employment meetings (roles outside the Trust)	1 day	None	1 day unpaid
Study Leave/Sitting Exams	Reasonable – depending on circumstances	At CEO/ Executive Director/Headteacher/Head of School’s discretion, dependent on circumstances and nature of request. Where the Trust has supported the study programme (through professional development) this leave may be considered paid leave.	
Other leave	Reasonable	At CEO/ Executive Director/Headteacher/Head of School’s discretion, dependent on circumstances and nature of request. Generally, this will be unpaid leave.	

CEO/Executive Director/Head/ Head of School / Manager’s Discretion

The above protocols are for general guidance and may be increased at the CEO/Executive Director/Head/Head of School’s discretion on a case by case basis, taking into consideration, for example:

The compassionate circumstances of the situation

- The employee’s length of service
- The frequency of absence and of such requests
- The amount of time off work for other reasons in the past 12 months
- The likely disruption to the learning of students.
- The equality and fairness of applying discretion to an employee, or groups of employees, to ensure transparency and avoid favourable treatment.