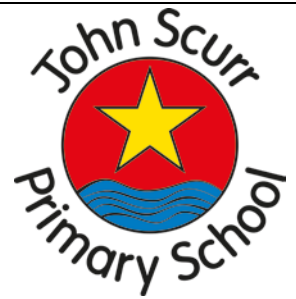



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Headteacher: Ms Maria Lewington

## Discretionary Leave of Absence Policy

Reviewed by:	Leadership & Governing Body
Date:	
Review dates:	01/12/2023
Next Review	09/2025
Ratified by Governors:	Maria Lewington & Kevind Hinde
Governor Signature:	



## 1. Introduction.

1.1 The Governing Body recognises that the success of the School depends upon the contribution of all staff and gives full acknowledgement that a fair and effective policy on Leave of Absence contributes to the maintenance of staff morale and thereby our success.

1.2 This policy sets out the 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 the School are the priority and therefore there will be times when the Headteacher, School Business Manager, or Associate Headteacher in their absence 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 Headteacher, School Business Manager, or Deputy Headteacher in their absence, have 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 The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If you need clarification on whether the leave of absence that you want to take is statutory or discretionary then you must speak to the School's Headteacher or Deputy Headteacher.

1.5 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
- Staff Handbook

1.6 This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

1.7 Any violation of these rules will be deemed to be a disciplinary offence of gross misconduct.

## 2.Procedure and Decision Making

2.1 Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher, Deputy Headteacher in their absence, as soon as the need for the leave is known using the form at Appendix 1. [Where the leave of absence request is made by the Head Teacher, the request should be made to the Chair of Governors].

2.2 Requests for leave of absence and 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/student 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 the School Office by calling the Absence Line mobile (07507412446) as soon as is reasonably practicable (but before 7.45am if possible, giving your name, and 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. On your return to work, a Special Leave form will need to be given to the Headteacher.

2.4 Where a leave of absence request is refused there is right of appeal. Any appeal must be made via email within 5 days of receipt of the leave of absence decision. The appeal will be considered by the Headteacher whose decision is final. If it is the Headteacher that has refused the request, then the appeal may be addressed to the Chair of Governors.

2.5 A confidential record of requests for leave of absence and whether or not the request was granted will be maintained in the respective HR files.

### 3. Discretionary Leave of Absence

This is normally granted after the successful completion of 12 months' service, except in cases of compassionate and bereavement leave.

3.1 Examples of discretionary time off work that may be granted with pay:

Summary non exhaustive examples of leave normally granted with pay	Days Per Annum [Rolling 12 month period, NOT an academic year]
<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 3 days.
<u>bereavement leave</u> death (including funeral) of a significant other person	period reasonably necessary but not normally more than 5 days
moving house where it cannot be arranged for a non-working time	1 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	1 day
<u>accepted impossible</u> travel because of weather or other public crisis such as strikes (in case of strikes, additional evidence required showing that an effort was made to get in)	period reasonably necessary but not normally more than 1 days
interviews for jobs (in the education service only)	No more than 3 days
<u>dependant care leave</u> . employees may only take <b>paid</b> time off to provide personal care for a dependent where there is an immediate crisis. (Please see section 11.1 with regards to maximum paid time off for dependents' medical appointments  (there is a statutory right to take <b>unpaid</b> leave see below)	In normal circumstances not more than 1 day on each occasion. Up to 3 days within 12 months.
Presentation of Degree, Honours, Decorations etc:	1 day's paid leave may be allowed if the employee or his/her spouse, partner or child is presented with a degree, Honours, Decoration.
Personal medical appointments or dependents' appointments at hospital (not GP)	Up to a maximum of 14 paid hours (2 days) per rolling 12 months. After this it becomes UNPAID.

### 3.2 Examples of discretionary leave that may be granted without pay:

Summary non exhaustive examples of absence normally granted without pay	Days Per Annum [Rolling 12 month period, NOT an academic year]- 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, wedding of a parent, sibling, child.	maximum of 21 hours (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.

#### 3.2.1 Medical appointments:

Upon production of a hospital medical appointment letter/card up to half a day [paid] leave may be granted to attend an appointment at hospital in each instance (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 the Deputy Headteacher to agree a mutually convenient time so that the operational requirements of the school are met and then request leave from the HT using the form at Appendix 1. If it involves an absence of more than half a day, it will fall into the category definition of sickness under the School's sickness absence reporting procedure.

3.2.2 Any GP, dentist and optician appointments must be taken out of school time, or as before 9.30am or after 4pm in order to reduce the time lost from work to attend. If you require emergency treatment you should refer to the School's usual sickness absence reporting procedure.

#### 3.2.3 Attendance in court as a witness

If you are subpoenaed or summoned 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 Headteacher] 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 Deputy Headteacher. as soon as the need for the leave is known using the form (also at Appendix 1) and a decision will be made on a case by case basis.

#### 3.2.4 Leave of absence for religious observance

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 School year if possible, so that plans for covering your absence can be made in good time.

-Term time only support staff – leave in term time will be unpaid, or can be worked in school closure times if it meets business needs.

-52 week support staff must book annual leave.

-Teaching staff – unpaid leave may be granted at the discretion of the Headteacher.

### 3.2.5 Hajj Leave

The Sub-Committee of the Governing Body will determine when requests for leave to go to Hajj can be granted based on the following criteria in the order shown:

-The school will not agree to requests from more than one member of staff in any one key stage or to an overall number which is felt to be excessively disruptive to students or staff cover. (It needs to be borne in mind that there may be other teachers absent for sickness or other reasons during the period of HAJJ).

-Applicants who are unsuccessful in one year should have priority the following year providing that there are not two or more from the same faculty.

-Priority should be given to colleagues with close sick relatives who need to be accompanied

-The colleague who has been in the school the longest should have the highest priority

-A colleague who has never been to HAJJ

-Personal circumstances directly affecting the reason for the application in a particular year.

- The deadline for applications will be one (1) term prior to HAJJ to enable suitable supply cover to be arranged, time to consider the applications and for the applicants to make an advanced flight booking.

- A maximum of 2 weeks leave in term time may be allowed and will be UNPAID. If the visit falls in school holidays these 2 weeks can be outside the holiday time but the holiday time will be PAID leave. Staff are expected only to take a 2 week HAJJ Package where possible. If the dates are from weekday to weekday as dictated by the flights obtained, this will be acceptable.

- There is no legal requirement for the governors to give permission to any member of staff to go to HAJJ or indeed any other leave whether paid or unpaid during term time. Teachers and term time only support staff have a contractual duty to take their holidays in school holiday time.

- The best interests of the students rather than the applicant will be considered in the decision.

### 3.2.6 Leave and Time Off for Trade Union Activities

Subject to the exigencies of the service and prior approval being obtained, accredited officers of Independent Trade Unions recognised for collective bargaining purposes are allowed leave of absence with pay, to attend to Trade Union business, including industrial relations activities within the authority, and training.

## 4 Statutory Leave of Absence for Public Duties

4.1 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

The above is at Headteacher's discretion and in certain cases may be offered as paid on a case by case basis. Under no circumstances will more than 2 days' paid leave be given in a rolling 12 month period.

4.2 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 Headteacher] using the form at Appendix 1.

4.3 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.

4.4 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.

## 5. Jury Service

5.1 You must inform your line manager as soon as you are summoned 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.

5.2 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.

5.3 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 Finance Manager within 3 days of your return to work.

5.4 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 school for the same days.

5.5 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.

5.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

## 6. Study Leave

6.1 Study leave and time off for examinations are given at the discretion of the Headteacher and will only be paid for if in line with the School Development Plan and job role

## 7. Unpaid Sabbatical Leave

7.1 Leave may be granted by the Headteacher, but they will be required to certify that the staff absence will not be of detriment to the service or operational running of the school.

## 8. Leave for sporting events

8.1 Unpaid leave may be granted by the Headteacher (subject to the exigencies of the service) for staff selected to represent their country in a sport designated as an Olympic sport. Up to 12 days (in a rolling 12 month period) may be granted subject to the member of staff providing confirmation of the selection from the Governing Body of the Sport.

## 9. Absences in term time tagged onto main holidays

9.1 Leave, whether paid or unpaid will not normally be granted prior to or after school holidays. The Headteacher alone has the discretionary power to grant leave in these circumstances.

9.2 Where unforeseen delays cause staff to be absent following the main holidays retrospective unpaid leave will be granted. Documentary evidence will be required to support this claim. Disciplinary action may ensue where satisfactory evidence is not provided.

## 10. Requests For Other Leave

10.1 This leave will always be taken unpaid. The maximum that will be agreed is 5 days in a rolling 12 month period. The service provision e.g. number of employees absent on the day, will be considered before agreeing to this leave.

10.2 All requests for leave for other reasons than those detailed above must be submitted on a special leave form to the Headteacher who will arrange for them to be discussed at the next meeting of the governors' Finance & Premises sub-committee and will report back soon afterwards.

10.3 A maximum of 3 days per 12 months will be allowed for external interviews in the education sector and any others, or any more than 3 days must be UNPAID.

## 11. Statutory Dependent Care Leave

11.1 Employees have a right to take a reasonable amount of unpaid time off work when it is necessary to:

(a) provide assistance when a dependant falls ill, gives birth, is injured or assaulted;

(b) make longer-term care arrangements for a dependant who is ill or injured;

(c) take action required in consequence of the death of a dependant;

(d) deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or

(e) deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

11.2 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;