Ormiston Academies Trust

(Academy Name)  
Leave of Absence policy

Policy version control

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| Policy type | OAT Mandatory  *The Trust will regularly monitor and review this policy to ensure that it is appropriate, effective, and compliant with both employment legislation and the Equality Act 2010* |
| Author  In consultation with | Melanie Wheeler  ASCL, GMB, NAHT, NASUWT, NEU, Unison. |
| Approved by | Justine Kenny |
| Release date | February 2022, updated February 2023 |
| Review | Policies will be reviewed in line with OAT's internal policy schedule and/or updated when new legislation comes into force |
| Description of changes | February 2023   * Temporary adjustment made due to Covid 19, has now reverted to original compassionate leave of 3 paid days * Typographical error corrected in section 3.3 point 3.3.1 inserted the words, may be granted. * Introduction includes statement on People Strategy |

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1. Introduction
   1. Our people strategy outlines our approach to delivering ‘OneOAT’ and to ensuring that OAT is a place where the best people actively join and stay working with us. Part of this commitment involves creating a great package of options to support our people in a range of ways. We recognise that sometimes there are events that mean people need to take time off work, sometimes planned and sometimes unavoidable. This policy is intended to support people when these circumstances arise.
   2. This policy sets out Leave of Absence provisions to make sure requests are dealt with in a fair, equitable and consistent way. Wherever possible leave will be granted, but there may be times when the principal has to refuse a request for leave due to the operational needs of the academy and students. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy, the principal has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
   3. This policy also sets out what the employee must do in the event that they need to request discretionary leave of absence.
   4. Employees may also be entitled to access statutory dependent care leave, please refer to Section 8 below.
   5. This policy does also not cover leave which is included in the policies and procedures listed below:

* Annual leave
* Maternity/Paternity/Parental/adoption leave
* Sickness absence
* Redundancy
* Training and Study leave including time for exams
* Trade Union and Facilities time
* Undertaking duties as an examiner/assessor
  1. This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time subject to negotiation with the recognised Trade Unions.

1. Procedure and Decision Making
   1. Except in emergencies, authorisation to take leave of absence must be requested from the principal as soon as is practically possible using the form at Appendix 1. Where the leave of absence request is made by the principal, the request should be made to the Regional Director.
   2. Requests for leave of absence and approval/refusal of such will be dealt with in a transparent, 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.
   3. Where an emergency arises, the employee must notify the Line Manager by telephone and also confirm in writing, as soon as is reasonably practicable, giving the reason for the absence and how long they expect to be absent from work to deal personally with the emergency.
   4. Where a leave of absence request is refused there is right of appeal. Any appeal must be made on the form at Appendix 1 within 10 working days of receipt of the leave of absence decision, or sooner if appropriate. The appeal will be considered by people not involved in the original decision either the principal, or a panel of two governors whose decision is final.
   5. A confidential record of requests for leave of absence and whether or not the request was granted will be retained in line the GDPR policy.
2. Discretionary Leave of Absence
   1. Examples of discretionary leave of absence granted with pay:

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| --- | --- |
| Summary non-exhaustive examples of leave | Days in an academic year |
| Compassionate leave  illness or injury of a significant other person giving rise to serious domestic difficulties | Period reasonably necessary but not normally more than 3 days. |
| Bereavement leave  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 |
| Personal events or emergencies  ie. 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 |
| Accepted impossible travel  because of weather or other public crisis. | Period reasonably necessary but not normally more than 2 days |
| Interviews  for jobs in the education service | Period reasonably necessary but not normally more than 3 interviews/occasions |
| Dependent care leave  employees may only take paid time off to provide personal care for a dependent where there is an immediate crisis.  Employees can also access unpaid statutory dependent care leave see Section 8 | In normal circumstances not more than [1day] on each occasion. Up to 3 days |

* 1. Examples of discretionary leave that may be granted without pay:

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| --- | --- |
| Summary non-exhaustive examples of absence | Days in an academic year |
| 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, driving test, important one-off family occasions. | Maximum of 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. |
| Leave of absence for religious observance | Reasonable time off |

* 1. Medical appointments:
     1. Where possible medical appointments should be organised outside of the working day or at the beginning or end of the day to minimise disruption. For medical appointments that cannot be arranged outside of normal working hours, upon production of a medical appointment letter/card paid leave may be granted. This does not apply to appointment associated with non-essential surgery.
  2. Attendance in court as a witness
     1. If the employee is subpoenaed or summonsed to attend a Court including an Employment Tribunal, as a witness and they are not representing the Academy then, on production of proof of required attendance, the employee must request leave from the principal using the form at Appendix 1 and will be granted unpaid leave to attend. If the employee wishes to attend Court as a witness on a voluntary basis, then the employee should request leave of absence from the principal as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case by case basis. Advice for claiming expenses can be found on Gov.uk/goingtocourtvictim-witness/expenses
  3. Leave of absence for religious observance
     1. The employee may request unpaid time off work to attend religious festivals/ pilgrimages. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the Academy and pupils. The employee should request time off at the beginning of the Academy year if possible, otherwise as soon as possible, so that plans for covering their absence can be made in good time.

1. Statutory Leave of Absence for Public Duties
   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
  1. As soon as the employee is aware that they will require time off for performance of a public service they should request leave of absence from the principal using the form at Appendix 1.
  2. The Academy 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.
  3. 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 the employee’s employment
* How much time off is reasonably required for the duty in question
* How much time off the employee has already taken for the public duty in question
* How the employee’s absence will affect the Academy

1. Jury Service
   1. The employee must inform the Line Manager as soon as the employee is summonsed for jury service and provide a copy of the 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.
   2. Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. The academy will make up the Loss of Earnings allowances to the normal level of pay. The academy must complete the Loss of Earnings form and the employee must give the completed form to the Clerk of the Court on the first day of Jury Service.
   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 Office Manager/Finance office within 3 days of the employee’s return to work.
   4. The employee’s 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 Academy for the same days.
   5. Where jury service lasts for less than half a day the employee must return to work for the remainder of the day wherever practicable. The employee must keep their line manager regularly informed about how long they are likely to be away from work.
   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.
2. Time off for Volunteer Members of the H.M Forces
   1. Volunteer members of HM Forces will be granted up to two weeks’ unpaid leave of absence in any academic year to attend summer camp where this cannot be arranged during a school closure period.
   2. If volunteers are mobilised the law protects employment and requires reinstatement on return from mobilised service.
3. Pensionable Pay
   1. Any unpaid leave the employee takes will be recorded by LGPS pension for support staff or TPS for a teacher and will be seen as gaps or missing days/weeks in any pension statement.
4. Statutory Dependant Care Leave
   1. Employees have a right to take a reasonable amount of *unpaid* time off work when it is necessary to:
5. Provide assistance when a dependant falls ill, gives birth, is injured or assaulted
6. Make longer-term care arrangements for a dependant who is ill or injured
7. Take action required in consequence of the death of a dependant
8. Deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant and/or
9. Deal with an unexpected incident involving their child during school hours (or those of another educational establishment)

A *dependant* for the purposes of the above paragraph is:

1. An employee’s spouse, civil partner, parent or child
2. A person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee or
3. Anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in the above

Appendix 1

Leave of absence request

Part 1

|  |  |
| --- | --- |
| Name |  |
| Job title |  |

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| --- | --- |
| Date/time from | Date/time to |
| I have read and understood the discretionary leave policy. Please attach a copy of any relevant appointment card. Reason for request: | |
| *I understand and accept that if leave of absence is granted without pay it will affect my pension entitlement.* | |
| Signed | Date |

Leave of absence decision

Part 2

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| The request for leave is:  Approved with pay. Time to be made up:  Yes  No  Approved without pay.  Not approved for the following reasons:  Operational difficulties in covering absence.  Loss of entitlement/continuity of educational provision for pupils/students.  Leave of absence limits already reached.  The request is outside the policy framework.  Other. Explanation of reason(s) for non-approval: | |
| Signed | Date |
| Job title | |

Appeal against leave of absence decision

Part 3

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| If the employee wishes to appeal against a refusal to grant discretionary leave of absence, then they must explain the reasons below and return this form to the decision maker within 10 days of the date of the decision as recorded above. The appeal will be heard by the principal or a panel of two Governors. | |
| Signed | Date |