



Unity Schools Trust

'Excellence through collaboration'

Special Leave of Absence Policy

Policy Reviewed:	September 2017
Next Review:	January 2019
Approved by Trust	June 2016

Introduction

The Unity Schools Trust (“the Trust”) recognises the importance of consistency, openness and equality in responding to requests from staff for special leave of absence for family and personal reasons or in order to fulfill professional duties other than those immediately related to employment.

This policy recognises:

- The statutory entitlement to unpaid time off to attend to urgent matters related to dependants.
- National and local agreements recognised by the Trust.
- Best practice, which seeks to maintain good working relationships between staff and management.
- The operational needs of the Trust.

Aim of the Policy

Statutory and discretionary leave of absence provision exists to allow staff to manage their work and home life by offering arrangements that enable them to balance their working life with other priorities.

It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence to be reasonably and fairly handled whilst recognising that the operational needs of the Trust are a priority and there may be times when a request for leave will be refused.

There may be occasions when circumstances arise which are not specifically identified in this policy. The decision regarding granting leave of absence in such cases falls to the discretion of the head of school or Chair of the Trust, as appropriate.

While this document attempts to provide a common framework differences arise between teachers and support staff as a result of different national and locally agreed conditions of service and the fact that teachers do not have the same flexibility to take annual leave as most support staff.

Teachers’ Working Time

A teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days of which they may be required to teach students and perform other duties and 5 days must be days on which they may only be required to perform other duties. The same applies for a teacher employed part-time, except the number of hours they must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, they must work such reasonable additional hours as may be necessary to enable them to discharge effectively their professional duties.

These provisions do not apply to the head of school, deputy or assistant head of schools.

Staff on Surrey County Council Terms and Conditions

Support staff who are on term-time only contracts are not entitled to take leave during the school term.

Support staff who have a contract for 52 weeks per year, will normally take leave during the school holidays. However, with the consent of the head of school of their school, they will be able to take leave at other times. Support staff on full time contracts may carry forward up to three days to the next annual leave year, provided this is done with the head of school's consent at their school.

All leave must be agreed with the line manager who will seek approval from the head of school, in reasonable time prior to the leave being taken. The operational needs of the Trust will be considered before granting leave and there may be times when the head of school will need to refuse a request for leave.

SPECIAL OCCASIONAL LEAVE OF ABSENCE

Time off for Dependants for Employees

The Employment Relations Act 1999 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants.

What is a reasonable time off is not specified by the legislation and will depend upon individual circumstances, such as:

- The nature of the incident
- The closeness and level of dependency in the relationship.
- The availability of anyone else to help with the situation.

Whilst there is no legal restriction on the number of occasions upon which an employee can exercise this right, the amount of time off taken is nevertheless subject to a consideration of what is reasonable in each circumstance. In most cases, a few hours or a day will suffice to deal with the immediate emergency.

For the purposes of this right, a dependant is an employee's spouse, civil partner, child or parent or another person who lives in the same house as the employee (other than as a tenant, boarder, lodger or employee). In addition, it includes anyone who reasonably relies on the employee for assistance or to make arrangements for care when that person falls ill or is injured or assaulted, and anyone who relies on the employee to arrange the provision of care.

Members of staff seeking to exercise their right to time off are requested to notify their line manager of their absence and its likely duration as soon as possible. They will then seek approval from the head of school of their school. Wherever possible, notification should be given before the absence is taken.

Circumstances when an employee may take time off are:

- If a dependant falls ill, or has been injured or assaulted.
- To make longer term care arrangements for a dependant who is ill or injured.
- To deal with the death of a dependant.

- To deal with an unexpected disruption or breakdown of care arrangements for a dependant.
- To deal with an incident involving the employee's child during school hours.

Compassionate Leave

There is no specific statutory right to claim time off work, whether paid or unpaid, on compassionate grounds (except in those circumstances covered by 'Time Off for Dependants', Section). The head of school of the school, or Chair of the Trust in the case of the head of school's own circumstances, may, at their discretion, grant special leave of absence (with or without pay) depending on the circumstances of the case.

In considering requests, the head of school of the school will take account of the reason for the request, the likely duration of absence, the employee's length of service, the impact of refusing a request and what cover arrangements can be made for the absence.

Leave for Personal Reasons

The Trust recognises that from time to time staff may have the opportunity to attend a significant social event during term time. Examples include:

- Graduation ceremony of a son or daughter.
- Wedding of a close family member.
- Funeral of someone who is not a near relative, spouse, partner or child.
- Holidays.

Support staff who are employed on a full year contract have an annual entitlement and may therefore request paid annual leave for such events. Teachers and term time only staff do not have a leave allowance and are not usually allowed to take time off during term time.

Religious Festivals

Consideration will be given to enable the Trust to respect staffs' religious observances as it is an important component of our equality policy. Time away from work may be requested for religious observance by staff whose religious duties cannot be limited to weekends, the current statutory bank holidays or school holiday periods. Requests for such leave must be made to the line manager as early as possible in advance of the event who will seek approval from the head of school of the school. The operational needs of the school will be considered before granting leave and there may be times when the request for leave will need to be refused.

Job Interviews

All members of staff may take a reasonable amount of paid leave to attend selection interviews for jobs. Requests to take leave to attend an interview must be made to the head of school in advance of the event. In considering whether the request can be granted, the head of school will take into account:

- The operational needs of the school.
- The amount of time off requested.
- The number of paid days (or part days) of leave already granted for interviews in the previous 12 months.

OTHER LEAVE

Examination Duties

Teaching staff undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained within Appendix 2 of the Conditions of Service for School Teachers in England and Wales ('Burgundy Book').

Jury Service

Employees may request leave to undertake jury service and should inform the Trust as soon as possible after receiving the summons. The Trust will make up the difference between the loss of earnings allowance which may be claimed from the court and the employee's normal pay. The employee is responsible for claiming the allowance and an equivalent amount will be deducted from the employee's salary.

Moving House

Members of staff are encouraged, wherever possible, to move house during one of the school closure periods which occur throughout the year. Where this proves impossible, the head of school has the discretion to grant members of staff one day of paid leave in order to move house. In considering such requests, the head of school may ask for supporting evidence to demonstrate why the move must take place during term time.

Medical and Dental Appointments

Employees are encouraged to make medical and dental appointments outside normal working hours and, with routine appointments, this should usually be possible. Where it is not possible to make an appointment out of hours, or where the appointment is urgent, paid time off to attend appointments will be granted at the discretion of the line manager, who will seek approval from the head of school, from whom permission must be sought in advance. Evidence of appointments may be requested.

The same provisions will apply where an employee is seeking time off work to accompany a dependant to a medical or dental appointment, although it is expected that in such circumstances time off will usually be **unpaid** or must be made up at another time.

Where an ongoing series of medical appointments has been requested, the head of school will have discretion to determine whether they will be paid or unpaid.

Ante-natal Appointments

All pregnant employees have the right to take paid time off to attend antenatal appointments. Except in respect of the initial appointment, evidence of appointments must be provided if requested by the head of school or employee's line manager.

An employee or agency worker who has a "qualifying relationship" with a pregnant woman or her expected child is entitled to take time off during their working hours to accompany the woman to antenatal appointments. The amount of time off that an employee or agency worker may take off during working hours to accompany a pregnant woman to antenatal appointments is limited to no more than two occasions lasting no more than six and a half hours each. There is no express right for an employee to be paid for the time taken off to attend an appointment, so any payment for the time off will be discretionary.

Trade Union and Professional Association Duties and Activities

Staff undertaking duties or attending activities in relation to their membership or role within a recognised trade union will be granted time off in accordance with any locally agreed

facilities agreement in place at the time of the request, taking into account the provisions of the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

Sabbatical

Any member of staff may request sabbatical leave but this is discretionary and will be judged on a case by case basis depending upon the operational needs of the Trust. The right to apply for sabbatical leave is dependent on completing three years continuous service with the Trust and there is no contractual entitlement to this. Staff who are sponsored migrants should be aware of the specific limitations that UK Visas and Immigration places on their ability to undertake a period of unpaid sabbatical leave. Employer's pension contributions will not be sustained during the period of leave although members of staff may be able to sustain their own individual contributions at their own expense. Sabbatical leave will be without pay.

Applications should be made in writing to the Trust stating the reasons for the request at least one term in advance of the period when the sabbatical may begin. The Trust will notify the applicant in writing of its decision within six weeks of receipt of the application. The terms of any sabbatical leave which is granted will be set by the Trust and will include an agreed date for confirmation of return to post.

ANY OTHER LEAVE NOT COVERED

If an employee wishes to request time off for a form of leave not covered in this policy, they should approach their line manager in the first instance explaining the circumstances, including when, and for how long they wish to take leave. In considering whether or not to grant the request and whether it should be paid or unpaid, the line manager and/or head of school will bear in mind any statutory provision, local or national agreement recognised by the Trust in relation to the particular leave request, as well as custom and practice, if any, relating to similar circumstances. Ultimately, unless there are particular provisions to which the Trust is required to adhere, the leave will be granted at the discretion of the head of school or Chair of the Trust, bearing in mind the operational needs of the Trust.

ABUSE OF TIME OFF

Abuse of time off which has been requested in accordance with this policy, for example by requesting leave for false reasons, will be taken very seriously by the Trust and will be dealt with in accordance with the Trust's disciplinary procedures.