Leave of Absence Policy

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LEAVE OF ABSENCE POLICY

INTRODUCTION

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 to the success of the School.

The purpose of this policy is to set out provisions relating to 'additional leave' for employees (that is provisions relating to leave other than family leave (maternity leave, paternity leave, adoption leave, shared parental leave and parental leave) sickness leave and annual leave).

The Governing Body will comply with its statutory obligations in considering requests for leave of absence.

The special leave year commences on 1 September of each academic year.

The Headteacher will keep a record of all leave granted under this policy which the Staffing and Personnel Committee will review from time to time.

Abuse of the provisions of this Policy may result in disciplinary action.

STATUTORY LEAVE OF ABSENCE

ANTE-NATAL CARE APPOINTMENTS

Pregnant employees have a statutory right to paid time-off to attend for ante-natal care (this refers to medical appointments but also to antenatal or parenting / relaxation classes if these have been recommended by a doctor or midwife) but must produce evidence of appointments if requested (such as doctor's letter or an NHS appointment card).

Fathers and partners also have the right to unpaid time off work to attend up to two ante-natal appointments.

EMERGENCY TIME OFF TO CARE FOR DEPENDANTS

The School recognises that members of staff may require time off during working hours to deal with an immediate issue or emergency involving a dependant, including making funeral arrangements for a dependant or attending the funeral of a dependant. As such, and in accordance with the Employment Rights Act 1996, staff will be granted 'reasonable' time off work to deal with such matters. Whilst there is no statutory requirement for employees to be paid for time off to care for dependants the School will grant paid leave under this provision for up to 5 days per year (pro rata for part-time staff). Any additional requests for time off under this provision will be unpaid.

The right to time off to care for dependants applies to all staff, regardless of their length of service.

The amount of time off which is reasonable will vary depending on the employee's

circumstances, but as the time off is to deal with the immediate problem and, where necessary, to make alternative care arrangements, it should not usually be longer than 1 day. If the employee requires further leave of absence, for example, to care for a sick dependant, the employee will normally be required to request annual leave or unpaid leave.

Employees wishing to use this provision must use the agreed cover arrangements in the School and provide the reason for the request and how many days dependants' leave they are requesting.

Definition of a dependant

A dependant is classed as someone who reasonably relies on the member of staff for assistance or support in relation to their wellbeing, for example being a primary carer. A dependant will generally be the spouse, civil partner, partner (including same sex partners), child or parent of the member of staff, or someone who lives with the employee as part of their family, for example an elderly relative (although this does not extend to tenants, boarders or a staff member's employee).

When emergency time off may be required

This provision is to deal with emergency situation and as such the situation for which time off is being requested must have been unforeseen.

Employees will be granted time off under this policy in order to:

- Provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- Make arrangements for the provision of care for a dependant who is ill or injured;
- Deal with an unexpected disruption or breakdown in care arrangements for a dependant, for instance when a nurse or child minder fails to turn up or due to school closure etc.;
- Deal with an unexpected incident involving the employee's child during school hours, for instance if the child has been involved in a fight or is being suspended from school;
- Deal with matters in consequence of the death of a dependant.

This list is not exhaustive -employees will be allowed time off in order to take necessary action to deal with any unexpected or sudden emergencies involving a dependant. For the time off to be justifiable, however, the employee's presence must be crucial in resolving or assisting with the problem.

Notification

Where an employee requires emergency time off, they must inform their line manager as soon as possible of the need to take time off, explaining the reason for the absence and how long they expect to be away from work. If the manager cannot be contacted at that time, the employee should ensure that they have informed another appropriate staff member in the team who can update the manager on their return.

CARER'S LEAVE

In accordance with the Carer's Leave Act (2023) and the accompanying Carer's Leave Regulations (2024) staff with caring responsibilities are entitled to one week's unpaid leave in a 12-month period to provide or arrange care for a dependant who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

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Someone is disabled under the Equality Act if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. 'Substantial' is more than minor or trivial (i.e. it takes much longer than it usually would to complete a daily task) and 'long-term' means 12 months or more.

The leave can be taken in blocks from half a day to one continuous week.

For the purposes of carer's leave, a week is the period (the number of hours) that the relevant employee is normally requited to work under their contract during a week, running Monday to Sunday. Where this varies, a week is calculated by dividing by 52 the total amount of time the employee has worked over the 12 months ending with the last day of the carer's leave requested.

If an employee with varied hours has been employed for less than a year, the total amount of time they have worked since they started is divided by the number of weeks since they started to calculate their entitlement. If an employee with varied hours wants to take carer's leave in their first week, they are entitled to the number of hours they're expected to work in that first week as leave.

The right to leave for those with caring responsibilities applies to all staff, regardless of their length of service.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant: their entitlement remains one week's leave in the 12-month period.

If the employee requires further leave within the 12-month period to care for a dependant, the employee will be required to request annual leave or unpaid leave.

Definition of a dependant

A dependant is defined as:

- a spouse, civil partner, child or parent of the employee,
- someone who lives in the same household as the employee, other than the employee's boarder, employee, lodger or tenant, or
- someone who reasonably relies on the employee to provide or arrange care.

Notification

Employees wishing to take any of their carer's leave entitlement must give the School (their line manager) notice (i.e. inform the School that they are entitled to carer's leave and have not exhausted their entitlement). They must also inform the School of the times that (the day or days on which) they wish to take the leave and they must give this notice before the 'relevant date'.

The 'relevant date' is either the date that falls twice as many days as the amount of leave requested before the first day of leave or three days before the day / first day of leave, whichever is the earlier.

If the employee's line manager cannot be contacted at the time the notice is given, the employee should ensure that they have informed another appropriate staff member who can update the manager on their return.

The School will not require an employee to provide evidence regarding their entitlement (i.e. of their dependant's care needs) in relation to the taking of carer's leave.

When the leave may be taken

The School can postpone the taking of carer's leave if they reasonably believe that the operation of the School would be seriously disrupted if the employee was to take the leave at the intended time.

In the event that the School decides that the leave needs to be postponed, the School will consult with the employee regarding the date to which the leave will be postponed. The leave will not be postponed for more than one month after the day or first day of the leave period originally specified. The School will then give the employee a notice setting out the reason(s) for the postponement and the agreed new date(s) of the leave.

The notice will be provided as soon as reasonably practicable and no later than either seven days after the employee's notice of leave was given to the School or than the date/first date of the leave originally specified, whichever is earlier.

JURY SERVICE

Employees who are called for jury service during normal working hours shall be granted the necessary time off work in order that they can fulfil their public duty. It is expected, however, that an employee will claim for loss of earnings. Employees should follow the process detailed below when called for jury service:

An employee receiving a summons to serve on a jury should provide a copy of the Confirmation of Jury Service letter from the court to their line manager who must notify the Headteacher who, unless exemption is secured, will grant leave of absence.

Employees have the right not to suffer any detriment in relation to service as a juror. However, employees do not have the right to be paid by their employer while on jury service. An

employee who serves as a Juror will need to claim the Juror's allowance for loss of earnings. The amount claimed will be deducted from the employee's full pay. The process is as follows:

1. When an employee receives a certificate of loss of earnings from the court they should send this to the School's payroll provider for completion, it will then be returned to the employee.

2. The employee must take the completed form to the court on the first day of jury service.

3. Once jury service has been completed the court will send the employee a cheque for loss of earnings. This may not be the same as was on the Loss of Earnings form.

4. The employee needs to notify the School's payroll provider of the amount of the payment made by the Court and send them a copy of the statement/cheque. This amount will be deducted from their salary.

Other Court Appearances

- *Witness*: Employees who have been officially called as a witness (i.e. by court citation) to give evidence for a crime they have witnessed will be released from work in order that they can fulfil their public duty. As per jury service detailed above, claims for loss of earnings should be made through the court system. For further information on how claims should be made, please contact the School's payroll provider.

- *Character Witness*: Employees will, at the discretion of their Head teacher, be given reasonable time off in order that they can act as a character witness during a court hearing. This time off will be unpaid. Employees wishing to claim for loss of earnings should do so via the relevant solicitor.

- *Court appearance on own behalf*: An employee appearing in court on their own behalf will be required to use either annual leave or unpaid leave to cover the period absent.

General information

- *Approval of time off*: Any employee requiring time off for a court appearance/jury service must seek approval from their Head teacher prior to the date of leave, providing them with the necessary court citation letter/paperwork.

- *Travel and expenses*: Any expense claims in relation to travel/subsistence that the employee has in relation to the court attendance should be made via the court system or relevant solicitor, not the School.

- *Attendance at court not required*: If, on any day during the court hearing, the employee's services are not required they shall return to work that day.

- *Jury service/court appearance cancelled*: Where an employee is no longer required to attend court, they should ensure that the leave request is cancelled by notifying the Head teacher.

ACCOMPANYING A WORKPLACE COLLEAGUE

Employees have a legal entitlement to take reasonable paid time off to accompany colleagues employed by the School at meetings where the employee who is the subject of the meeting has a legal entitlement to be accompanied by a work colleague. Examples of relevant meetings are disciplinary and grievance meetings, flexible working requests meetings. Requests for time off under this provision should be made in writing to the Head teacher.

PUBLIC DUTIES

Employees have a statutory right (under the Employment Rights Act 1996) to a reasonable amount of unpaid time-off work to carry out a number of public duties (there is no minimum qualifying period of service).

The statutory public duties are those of:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor / member of the managing or governing body of an educational establishment
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of a health authority
- a member of the General Teaching Council for Wales
- a member of the Environment Agency
- a member of the prison independant monitoring boards

Where employees are interested in or have been elected to serve in a public capacity, for example, as a governor for this or another school, they should discuss this with their Head teacher before they take up the role, due to the time that may needed away from the workplace.

Reasonable time-off and pay

Whilst there is no statutory right to pay for time off in relation to public duties, the School recognises the potential social, personal and workplace benefits that can be brought, and shall therefore grant paid leave of absence of up to 1 full days or 2 half days per month, together with unpaid leave of absence of up to 5 full days or 10 half days will be granted to employees undertaking the recognised public duties.

Time-off requests which exceeds the aforementioned entitlement will be considered at the discretion of the Head teacher.

Entitlements are pro-rated for part-time staff.

- Leave authorised for public duties may be taken in days or half days.
- Whilst requests for time off work will not be unjustifiably refused, the School does have the right to refuse requests for time off that are unreasonable or excessive.
- Time off will only be granted for attendance at and travel to and from meetings, not for any preparatory work that needs to be undertaken.
- Expenses relating to travel and/or subsistence will not be paid by the School.
- Where a public duty attracts a fee or an allowance which is equal to or less than a days' pay, the employee should undertake to refund this to the School. Where the fee paid is greater than a days' pay, unpaid leave will be given in relation to the public duty.

The actual times at which this leave may be taken are to be a matter of agreement between the employee concerned and the Headteacher, bearing in mind the requirements of their post.

REDUNDANCY – JOB HUNTING/TRAINING

When an employee is under notice of redundancy reasonable time off with pay will be granted to look for another job and attend interviews and training to help them find another job.

The right to time off is not restricted to attendance at interviews with prospective employers but includes, for example, attendance at the job centre or employment agency provided that attendance is reasonably required for the purpose of finding new employment. Training for future employment does not necessarily have to be for the same type of work from which the employee is being dismissed.

TRADE UNION DUTIES AND ACTIVITIES

Trade Union Duties

The trade union representatives of recognised unions are entitled to reasonable paid time off to carry out their **duties** as an official and to receive training in aspects of industrial relations relevant to the carrying out of their trade union duties. Relevant duties include:

- negotiations with the employer about terms and conditions of employment or the physical conditions in which workers are required to work;
- negotiations regarding engagement or non engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
- negotiations regarding allocation of work or the duties of employment as between workers or groups of workers;
- negotiations regarding facilities for trade union representatives;
- helping with disciplinary or grievance procedures on behalf of trade union members (including accompanying workers at disciplinary or grievance hearings);
- accompanying trade union members to meetings connected to formal procedures;
- negotiating issues about trade union membership;
- preparing for negotiations and informing members about their progress/outcomes;
- discussing issues that affect trade union members and
- receiving information from the employer and participating in consultation by the employer related to redundancy or under the Transfer of Undertakings (Protection of Employment) Regulations 2006.

Representatives of recognised trade unions are also entitled to reasonable paid time off during working hours to undergo training relevant to the carrying out of their trade union duties.

The trade union health and safety representatives of recognised unions are entitled to reasonable paid time off as is necessary to perform their duties. These include:

- performing functions under health and safety legislation and
- attending health and safety meetings, where appropriate.

The trade union equality representatives of recognised unions are entitled to reasonable paid time off to carry out their **duties** as an official and receive relevant training. Relevant duties are:

- carrying out activities for the purpose of promoting the value of equality in the workplace;
- arranging learning or training on matters relating to equality in the workplace;
- providing information, advice or support to qualifying members of the trade union in relation
- to matters relating to equality in the workplace;
- consulting with the employer on matters relating to equality in the workplace;
- obtaining and analysing information on the state of equality in the workplace and
- preparing for any of the things mentioned above.

This entitlement applies provided the following notice and training requirements have been met:

- the trade union equality representative has undergone sufficient training to enable them to carry out the activities listed above and the trade union has given the employer notice in writing of that fact or
- the trade union has in the last six months given the employer notice in writing that the employee will be undergoing such training (only one such notice can be given in relation to any one employee and the relevant training needs to be completed within six months and the employer given a further notification by the trade union that the training has now taken place.

The trade union learning representatives of recognised unions are entitled to reasonable paid time off to carry out the **duties** of a learning representative and to receive relevant training to carry out those duties, provided the notice and training requirements as set out for equality representatives above have been met.

These duties are:

- analysing learning or training needs
- providing information and advice about learning or training matters
- arranging learning or training
- promoting the value of learning or training
- consulting the employer about carrying on any such activities
- preparation to carry out any of the above activities

The presumption, under the Employment Rights Act 2025, is that the employee's (the trade union representative's) view on what is considered reasonable time off is reasonable in all the circumstances, having regard to the Code of Practice issued by ACAS, and the Act requires that the employer show (in any employment tribunal) that it was not a reasonable amount of time off.

Payment for the time spent undertaking these duties will take place under the School's Facilities Time arrangements.

The following factors will be taken into account by the employee and the School when a request is made for time off:

- nature of the employer's business
- need to do the work
- needs of the Line Manager and co-workers
- importance of health and safety at work
- amount of time off that has already been taken for trade union duties and activities

If employees wish to make a request to take time off for trade union duties or activities, they are required to provide their Head teacher with as much notice as possible, giving details of the reason for taking time off and how much time off being requested.

Trade Union Activities

Employees who are members of a recognised trade union are entitled to a reasonable amount of time off without pay to take part in trade union **activities**.

Examples of trade union activities include:

- going to workplace meetings to talk about and vote on negotiations with the employer, such as a pay increase or changes to terms and conditions
- going to a meeting with a full-time trade union official away from an employees workplace to discuss issues at their workplace
- voting in a trade union election, for example to elect a shop steward
- consulting a trade union learning representative

As time off for these activities is not paid, meetings and other activities should take place during breaks such as lunchtime.

Further information

For further information on time off for trade union duties and activities, please see the Acas *Code of Practice on time off for trade union duties and activities* and, in the case of trade union health and safety representatives, the Health and Safety Executive's (HSE'S) Code and Guidance *Consulting workers on health and safety*.

NON-STATUTORY LEAVE OF ABSENCE

Whilst the time-off provisions which follow are not required by statute, the Governing Body of the School has decided to provide these types of special leave to its employees.

BEREAVEMENT LEAVE

Up to 5 days paid bereavement leave will be granted in the case of the death of an employee's dependant (i.e. spouse, civil partner, child (of any age), parent (including step-parents and parents-in-law), and adult dependant relative). This is in addition to the statutory right to time off to deal with matters in consequence of the death of a dependant (see above).

Employees are entitled to a maximum of up to 2 days per year paid leave to attend the funerals for those other than dependants. Leave for a funeral for a non-dependant will normally be for a maximum of up to 1 day only with pay. (See Dependants' Leave above for leave for attending the funeral of a dependant.)

DOMESTIC REASONS

Employees will be entitled to 1 day(s) paid leave in any academic year to attend to a domestic emergency e.g. boiler breakdown, flood etc. Further requests will be considered by the Headteacher but any further leave will be unpaid.

INTERVIEWS

Other than in a redundancy situation, leave of absence to attend an external interview must be requested as annual leave/TOIL. If neither annual leave nor TOIL is available, then paid leave will be granted on up to 5 occasions per year. Further requests may be granted at the discretion of the Headteacher without pay.

MEDICAL APPOINTMENTS

Medical and dental appointments should be taken outside of normal working hours. Where this is not possible annual leave or time off in lieu (TOIL) must be used. If neither annual leave nor TOIL is available, then unpaid leave will be granted.

Discretion will be exercised by the Headteacher regarding paid leave to attend hospital and other medical appointments where the employee does not have any control over the time/date of the appointment.

Employees will be given paid time off for cancer screening where the appointment is unavoidably during working hours.

Employees are required to provide as much advance notice as possible of medical appointments and may be required to provide evidence of the appointment.

MOVING HOUSE

An employee will be entitled to up to 1 day(s) paid leave on the day of the removal of his/her personal effects, when annual leave is not contractually available.

SEVERE WEATHER CONDITIONS

Attendance at work

It is the contractual obligation of all employees to ensure that they attend work at the appointed time and for their contracted amount of hours therefore, in extreme weather conditions all employees are expected to make every reasonable effort to get to work, adapting their means of travel if necessary. This is not limited by the location of an individual's home. However, the School recognises that there may be times when, for reasons outside of their control, employees may be unable to attend work, arrive at work late or need to leave early due to severe weather conditions. Late arrival to work will have to be taken as leave, unpaid absence or made up later through accrued TOIL.

Where employees will be late or are unable to attend work they must inform their line manager as soon as possible through the normal notification channels.

When the School becomes aware of a weather forecast which could lead to employees being exposed to a hazardous journey home consideration will be given to enable employees to leave work early. This decision will taken by the Headteacher. The risks of this action will be assessed taking into account pupil welfare / care and the individual circumstances of employees (such as caring responsibilities and work to home distance).

Recording absence

Employees unable to get to work should agree with their Head teacher how to record their absence – the following options should be considered:

- paid leave
- unpaid leave (the School's payroll provider to be notified)
- TOIL

Working from home

It may be possible for employees to work from home in cases of severe weather. This option should be discussed and agreed by individual employees with their Headteacher in advance. This however should only occur where work can be undertaken effectively.

Closing premises

Where the School is closed completely on account of severe weather conditions this decision will be posted on the School's website. Employees not required to work as a result of this closure will be paid those hours up to a basic day's pay.

However, where the School is closed to pupils only the employees should present themselves unless it has been agreed that they can work at home or they have otherwise been advised by the School to the contrary.

SERVICE AS A VOLUNTEER RESERVIST

Volunteer Reservists cover members of the following Reserve Forces:
Army Reserves (previously Territorial Army)
Maritime Reserves (Royal Naval Reserves and Royal Marine Reserves)
Royal Air Force Reserves.

Time off for training

In order to help employees who are also members of the Volunteer Reserve Forces (VRF) fulfill their training commitments, the School will consider requests from such employees for XX days paid leave per year for attendance at VRF summer camps offset by any military pay received by the employee.

Leave may also be granted to those members of the VRF who are required to undertake training additional to attendance at summer camp, and who are unable to arrange for such training to be on days when they would normally not be working.

Employees should request time off for VRF training purposes through their Headteacher, ensuring that they provide reasonable notice of any time off requested.

Mobilisation/Operational Duty

Employees who are members of the VRF will not receive pay from the School for any periods of operational duty. Instead, they will receive military pay from the Ministry of Defence.

UNPAID LEAVE - GENERAL

There will be instances which have not been specifically covered within the scope of this policy. It is agreed that in exceptional circumstances requests for unpaid leave not covered in this Policy will be considered on their own merit and discretion will be used if necessary. This will be dealt with by the Staffing and Personnel Committee in response to a specific written request from an employee including reasons for the leave.

Criteria:

- Requests should only be granted where all annual leave has either been taken or approved.
- The service needs of the School must still be met.
- Reasons for the request must be acceptable to the Committee
- Employees must be advised of the specific period of unpaid leave granted.
- The contract of employment remains in existence and all conditions of service apply for period of unpaid leave.

Unpaid Leave: Pensions Implications

Staff are advised to check out the pension arrangements associated with taking unpaid leave with the relevant pension scheme provider (Teachers' Pension Scheme (TPS) or Avon Pension Fund (administered by BANES (Bath and North East Somerset Council)).

CONFIDENTIALITY AND RECORDS

All employees of the school have a responsibility to maintain the confidentiality of any personal information in their possession.

All records created under this Policy will be kept confidential, used and retained in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

OTHER RELEVANT POLICIES AND GUIDANCE

Attendance Management Policy
Leave of Absence - Discretionary Entitlements *(a summary of the discretionary entitlements set out in the current North Somerset Corporate Leave of Absence Policy and in the previous schools' Leave of Absence Policy)*
Family Leave Policy
Redundancy Policy

Shared Parental Leave Guidance

All our policies and guidance can be found at www.supportservicesforeducaton.co.uk