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| <b>Title</b>               | Discretionary Leave of Absence   |
| <b>Associated Policies</b> | <ul style="list-style-type: none"> <li>• Adoption (TPO/STA/01)</li> <li>• Maternity (TPO/STA/04)</li> <li>• Parental Leave (TPO/STA/06)</li> <li>• Paternity (TPO/STA/07)</li> <li>• Staff Absence (Illness) (TPO/STA/13)</li> </ul> |

REVIEWED: JUNE 2015

NEXT REVIEW: JUNE 2018

### 1. Policy Statement

- 1.1 Brooke Weston Trust recognises that the success of the Academy depends upon the contribution of all staff and gives full acknowledgement that a fair and effective policy on Discretionary Leave of Absence contributes to the maintenance of staff morale and thereby our success.
- 1.2 This policy sets out the Discretionary 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 Academy are the priority and therefore there will be times when Principal 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 Principal has 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 your line manager.
- 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
  - Redundancy
- 1.6 This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

### 2. Who does this policy apply to?

- 2.1 This policy applies to all employees of the Brooke Weston Trust.

### 3. Who is responsible for carrying out this policy?

- 3.1 All Principals across Brooke Weston Trust, under the direction of the CEO.

### 4. Procedure and decision making

- 4.1 Except in emergencies, authorisation to take leave of absence must be requested from the Principal/line manager as soon as the need for the leave is known using the form at Appendix 1.
- 4.2 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.

- 4.3 Where an **emergency** arises you must notify your line manager by telephone as soon as is reasonably practicable, giving 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.
- 4.4 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 5 days of receipt of the leave of absence decision. The appeal will be considered by the Executive Principal whose decision is final.
- 4.5 A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service.

**5. Discretionary leave of absence**

5.1 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]                    |
|--|---|
| <u>compassionate leave</u><br>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><br>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.   | 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 days |
| <u>dependant care leave</u> . Employees may only take <b>paid</b> time off to provide personal care for a dependant where there is an immediate crisis. (there is a statutory right to take <b>unpaid</b> leave see 8.1 below) | In normal circumstances not more than 1 day on each occasion. |

5.2 Examples of discretionary leave that may be granted without pay:

| Summary non exhaustive examples of absence normally granted without pay  | Days Per Annum - 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, 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             |

### 5.2.1 Medical appointments:

Upon production of a medical appointment letter/card up to half a day paid leave may be granted to attend an appointment at hospital (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 your line manager to agree a mutually convenient time so that the operational requirements of the school are met and then request leave from Principal using the form at Appendix 1.

### 5.2.2 Attendance in court as a witness:

If you are subpoenaed or summonsed to attend a Court (including an Employment Tribunal), as a witness and you are not representing the Academy then, on production of proof of required attendance, you must request leave from the Principal 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 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.

### 5.2.3 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 Academy pupils and surrounding circumstances. You should request time off at the beginning of the Academy year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

## 6. Statutory Leave of Absence for Public Duties

6.1 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

6.2 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 Principal using the form at Appendix 1.

6.3 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.

6.4 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 Academy.

### 7. Jury Service

- 7.1 You must inform your line manager as soon as you are summonsed 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.
- 7.2 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.
- 7.3 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 your line manager within 3 days of your return to work.
- 7.4 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 Academy for the same days.
- 7.5 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.
- 7.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summonsed to attend for service as a juror or being absent from work on jury service.

### 8. Statutory Dependent Care Leave

- 8.1 Employees have a right to take a reasonable amount of **unpaid** time off work when it is necessary to:
- (a) provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
  - (b) make longer-term care arrangements for a dependent who is ill or injured;
  - (c) take action required in consequence of the death of a dependent;
  - (d) deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent; and/or
  - (e) deal with an unexpected incident involving their child during school hours (or those of another educational establishment).
- 8.2 A **dependent** for the purposes of this paragraph 6.1 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; or
  - (c) anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

### 9. Policy Review

- 9.1 This policy will be monitored as part of the Trust's annual internal review and reviewed on a three year cycle or as required by legislature changes.

## Appendix 1 – LEAVE OF ABSENCE REQUEST

### Part 1

|                   |  |
|-------------------|--|
| <b>Name:</b>      |  |
| <b>Job title:</b> |  |

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

### LEAVE OF ABSENCE DECISION

### Part 2

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

## Part 3

### APPEAL AGAINST LEAVE OF ABSENCE DECISION

If you wish to appeal against a refusal to grant discretionary leave of absence then you must explain your reasons below and return this form to [the decision maker] within 5 days of the date of the decision as recorded above. Your appeal will be heard by an Executive Principal.

Signed:

Date: