



Nurture Academies Trust Policy

# Staff Leave of Absence and Time off Work

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Nurture Academies Trust has adopted the PACT HR recommended model procedure as agreed by Trade Unions.

Approved by the Nurture Academies  
Trust's Board of Trustees on:

12 December 2018

To be reviewed:

Every three years or sooner

Signed on behalf of Nurture Academies  
Trust's Board of Trustees:

A handwritten signature in black ink, appearing to be 'UJ', written over a horizontal line.

NB. This guidance will be retained for a period of 7 years from replacement

Version Number 3 / August 2015

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## Policy Statement

Nurture Academies Trust's Board of Trustees regards the excellent attendance of both pupils and staff as integral to the success of the school.

Nurture Academies Trust's Board of Trustees recognises that the effectiveness of the school depends on the commitment of all staff. We also acknowledge that a fair and balanced policy on leave of absence and time off work contributes to the maintenance of staff morale and thereby to the success of the school.

Nurture Academies Trust's Board of Trustees recognises that absence from duty by staff may be unavoidably required for a wide variety of reasons including compassionate grounds, jury service or for other family, personal, religious and professional reasons.

High levels of absence among teaching and support staff can pose a serious problem for school in terms of disruption to teaching programmes, pupil's learning and other areas of the schools work. Absence of any staff employed in schools during term time means some impact on the children's education. Therefore, requests from any member of staff to be taken during term time must be regarded by all as the **exception**. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will **not** be granted.

Other than in exceptional circumstances or on compassionate grounds, leave of absence will not normally be approved in term time except as covered in conditions of service agreements or statute, **Appendix 2**.

Nurture Academies Trust's Board of Trustees will observe the relevant conditions of service agreements and its statutory obligations regarding leave of absence.

# Procedure for Considering Requests for Planned Leave of Absence

## Requesting Leave of Absence

Requests for planned leave of absence should be made in writing using a "Leave of Absence Request Form". This should be submitted to the Headteacher, and should include the full reasons for the request which make clear why the leave cannot be taken during a normal school closure period, and the dates and length of the period of leave of absence requested.

The same process will be used by the Headteacher except that the request should be submitted to the Chair of Governors.

The request should be made **with as much notice as possible** so that proper consideration can be given to the request and to enable appropriate cover to be arranged in the event of the absence being approved. Other than in cases of emergency, a minimum of two week's notice should be given for any requests for leave of absence for periods of up to 5 working days, and for longer periods a period of notice (excluding the summer break) equivalent to twice the length of the period of leave being requested. Prior notice of more than three months is not required but would be helpful to the school for planning purposes.

**Staff should not under any circumstances make arrangements (bookings, flights etc) until approval for the absence has been given.**

## Deciding on Leave of Absence requests

Requests for leave of absence will be considered taking into account

- The principles of this policy
- The best interests of the children and the school
- Treating staff in a fair, reasonable and consistent way
- National and local terms and conditions of employment

The Headteacher shall normally decide on requests for discretionary Leave of Absence on a paid or an unpaid basis, having regard to the relevant conditions of service and the policy of Nurture Academies Trust's Board of Trustees. In the case of extended leave and other exceptional circumstances the Chief Executive Officer / Members of the Board of Trustees will make the decision.

The Headteacher will approve all requests for non-discretionary absence (eg Jury Service, paternity leave etc) in accordance with legislative and conditions of service requirements, and irrespective of the length of the absence. Where a non-discretionary absence amounts to more than 5 days the Headteacher will inform the Chair of Governors of the length of the absence and the reason for it.

The Chief Executive Officer of Nurture Academies Trust's Board of Trustees will decide on all requests for leave of absence made by the Executive Headteacher / Headteacher / Head of School.

All decisions will be confirmed in writing. In the case of refusal, reasons will be given.

If the request is refused, the member of staff may appeal to the Trust's Appeals Committee. The appeal should be made in writing within 10 working days of the original decision being given, stating the grounds for the appeal. The school grievance procedures will be used. There is no further level of appeal.

NOTE: All parties need to be mindful of the time that could be required for the decision making process, including any potential appeal.

## Unpaid Leave

The methods to be used for the calculation of adjustments to pay during periods of leave of absence without pay are contained in the relevant conditions of service, applying to teachers (STP&C) and other staff (Conditions of service)

Employees are not covered by the sickness absence scheme whilst on unpaid leave and therefore, are not entitled to receive occupational sick pay. Employees may be entitled to Statutory Sick Pay (SSP) and so should submit any medical certificates direct to the Payroll Team.

## Unauthorised Leave of Absence

The taking of unauthorised leave of absence is automatically unpaid and may lead to disciplinary action resulting in a formal warning being issued, or dismissal where the circumstances would justify such action.

Overstaying and late returns will be considered as unauthorised leave of absence. Staff **must** preserve any documentary evidence which shows that a late return was unavoidable (tickets, sick-notes etc).

## Guidance on Contractual and Statutory Entitlements to Leave of Absence

### Time Off to Accompany a Colleague to a Discipline, Grievance or Flexible Working Hearing (Employment Rights Act 1999)

Employees have the legal right to take paid time off work to accompany fellow employees of the same employer to certain disciplinary and grievance hearings.

### Time Off For Job Hunting or to Arrange Training When Facing Redundancy (Employment Rights Act 1996)

An employee who is being made redundant is entitled to take reasonable time off with pay to look for another job, or to arrange training for future employment. The employee, who must have at least 1 years' continuous service (at the date the redundancy will take effect), can take time off within working hours while under notice.

### Time Off For Trade Union Duties (including Union Learning Representatives) and for Safety Representatives (Employment Act 2002)

Employees carrying out these roles are entitled to reasonable paid time off work to undertake those duties and to undergo training. See Local Conditions of Service.

### Time Off For Occupational Pension Scheme Trustees and Directors of Trustee Companies (Employment Rights Act 1996)

Employees who are trustees of an occupational pension scheme or directors of Trustee companies are entitled to reasonable time off with pay to carry out any of their trustees' duties or to be trained for those duties.

### Study Leave and Attendance for Examinations (Discretionary and Non-Discretionary) (see relevant conditions of service)

For courses of training and study that are not directly related to the employee's job, or have not been specifically approved by the governors, leave may be granted at the school's discretion with or without pay.

For courses of training and study approved by the governors leave with pay will be granted as necessary. Conditions of Service for Support staff additionally allow half a day's leave to prepare for each examination. Any leave agreed to prepare for examinations will be approved subject to any practical and organisational constraints affecting the school.

### Bad Weather Conditions



There may be circumstances when the employee is unable to attend work due to bad weather, but the school remains open as usual. All reasonable efforts should be made to attend work. Alternative arrangements may be agreed with the Headteacher, eg Working from home or at a different location.

Where this is not possible, non attendance will normally be treated as unpaid leave, but exceptional circumstances may warrant paid leave.

## Attendance at Court Proceedings

(see Juries Act 1974 and relevant conditions of service)

### Jury Service

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to the schools payroll team. The certificate will be returned to the member of staff completed to show to what extent the salary will be stopped during their absence. The amount will then be claimed from the court.

### Witness Summonses and Subpoenas

Staff subject to a witness summons or subpoena should be allowed paid time off work to attend court.

## **Time Off For Medical Appointments (see relevant conditions of service)**

Where possible, school employees are expected to make appointments out of school time or as close to the start or end of the school day as possible.

Routine GP or Dentist appointments will be unpaid; any time off for hospital appointments and blood donor sessions will be paid. All time off for appointments should be requested as far in advance as possible. An appointment letter/card or some other document showing that an appointment has been made should be shown to the Headteacher.

N.B Employees covered by the Equality Act 2010, do not have a specific right to take reasonable time off to attend medical appointments, however employers have a duty to make reasonable adjustments where appropriate, which can include appropriate time off to attend medical appointments. What is reasonable for the employer to do will depend on the circumstances of the particular case. Please contact your HR Advisor for more specific advice.

## **Time Off For Dependants (Employment Rights Act 1996, as amended by the Employment Relations Act 1999)**

Employees have a right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. The emergency must involve a dependant of the employee. According to the regulations, a dependant is the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee. For example, this could be a partner or an elderly aunt or grandparent who lives in the household.

In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only one who can help in an emergency; for example an aunt who lives nearby who the employee looks after outside work falls ill unexpectedly, or an elderly neighbour living alone who falls and breaks a leg, where the employee is closest on hand at the time of the fall.

The right to time off does not extend to time off for domestic emergencies such as a breakdown of a heating boiler and unpaid time off for incidents of this kind is at the Headteacher's discretion.

The regulations do not give the right to paid time off for dependants. However, Teachers' conditions of service provide for up to 2 days discretionary paid leave to care for members of the immediate family in the case of sickness. Before requesting such leave staff are asked to consider whether there are any alternatives to taking time off work, including whether the need for time off to care for children is being fairly shared by any partner.

The conditions of service (Blue Book) for support staff do not provide for paid time off to care for members of the immediate family in the case of sickness.

#### Time Off For Religious Observance (see Teachers' Conditions of Service and Code of Practice on Religious and Cultural Needs 1996)

Nurture Academies Trust's Board of Trustees follows the LEA's recommendation that teachers and support staff on term time contracts may take up to three days leave with pay for this purpose in each academic year. This is a special arrangement for those staff who do not have a holiday entitlement other than during the school closure periods. The days can be taken only for the purpose of attendance at a religious ceremony or for observation of a religious festival which the member of staff is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order.

The Council's arrangements do not provide for paid time off to prepare for festivities or days which may be used as family celebrations which are not the specified dates for the religious event.

If the religious ceremony or festival falls at a weekend the time off is not transferable to the following working day.

Staff who are on all year round contracts must use their normal holiday entitlement for the purpose of religious observance.

The school's policy on the extended leave needed for Hajj is included at Appendix 1 to this document. Other requests for substantial religious leave will be considered on the same basis.

#### Time Off For Public Duties and Activities (Employment Rights Act 1996 and relevant Conditions of Service)



Subject to the needs of the school, employees are entitled to reasonable time off in order to carry out public duties and activities.

For Teachers, the time off is on a paid basis to a maximum of 20 days or 40 half days (some re-imburement is available from the LEA).

Full time support staff are entitled to 208 hours (approximately 28 days) paid leave for public duties each financial year, with entitlement for part-timers being pro-rata.

### Bereavement leave (see relevant Conditions of Service)

All requests for bereavement leave will be treated sympathetically and, although granted at the discretion of the Headteacher or Chair of Governors, will not normally be refused without good reason.

Teachers are allowed up to 2 days with pay for immediate family (with extra travelling time of up to 3 days if necessary) see Appendix 2.

Support staff are allowed up to 5 days with pay.

For all staff the leave need not be taken continuously and can be taken in accordance with the practical needs and circumstances of each case.

### Time off to visit relatives abroad – Extended leave

It is recognised that some employees have close relatives abroad whom they may wish to visit for an extended period. In such circumstances, an employee may apply to take an extended period of unpaid leave. All requests will be considered taking into account both the needs of the staff member and the needs of the school. Staff are requested to arrange any extended leave to coincide with the main periods of school closure. If the period of leave would cause particular difficulty for the school the request may be refused or the staff member asked to reconsider the period for which leave has been requested.

Support staff on all year round contracts may accumulate leave for the purpose of extended absence (see conditions of service).

It is the policy of Nurture Academies Trust's Board of Trustees that permission to take extended leave to visit relatives abroad would not normally be granted more frequently than once in every five academic years although compassionate grounds will be taken into account.

Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.



## Secondments, extended leave of absence, career breaks and extended study leave

In the event that a member of staff requests an extended period of unpaid leave the Staffing Sub-Committee / Committee of Nurture Academies Trust's Board of Trustees (enter name) will consider the request taking into account any financial, organisational or educational effects on the school, and the circumstances and reasons given by the individual.

Nurture Academies Trust's Board of Trustees will not normally approve absences of more than two years in length and may require that the dates of commencement and ending are consistent with the practicalities of recruiting temporary cover staff.

## Right to Request Training (Section 63D of the Employment Rights Act 1996)

Employees with at least 26 weeks service on the date that they make their request have a statutory right to request time off to train. If the employer accepts the request for time off for training (either in full or part), there is no duty to pay the employee for the time they are absent from work to undertake the training and no duty to meet the cost of the training or qualification. For more information please refer to the school's Right to Request Training policy.

## Appeals

Appeals will be considered under the school's grievance procedure.

For information on the following please refer to the 'Work and Families Policy'

- Time off for Antenatal Care
- Maternity, paternity and adoption leave
- Parental Leave

# Appendix 1

## Hajj Policy

Any request made for a substantial period of leave in order to carry out religious obligations for members of any religion will be considered on the same basis as set out in this policy.

### Aims of Policy

The purpose of this policy is to set a framework for Nurture Academies Trust's Board of Trustees to manage and administer requests from Muslim staff wishing to perform the obligatory pilgrimage of Hajj.

### Policy Statement

The school recognises the difficulty which results from the academic year following the Gregorian and not the Hijri calendar, which means that Hajj can fall during times when the school is in session. The school respects that Hajj is one of the five pillars of Islam and is an obligation upon Muslims once in their lifetime, financial/health conditions permitting. The school is committed to providing high quality education whilst having a balanced approach to the religious needs of its staff. Staff requests for leave for Hajj will be considered according to the following criteria:

In order to minimise any possible disruption to colleagues and students, staff wishing to apply for the obligatory Hajj leave will notify the Chair of Governors and the Head teacher in writing by the end of Ramadan for the following Hajj.

Staff wishing to perform the obligatory Hajj may apply for a maximum of three weeks unpaid leave (see "Unpaid Leave" for advice where school holidays are included).

In order to balance the needs of students and the need for staff to make the obligatory Hajj pilgrimage, Muslim staff will be granted Hajj leave subject to the school's ability to release staff without an adverse impact on service delivery.

All Muslim staff will be considered with fairness irrespective of their professional status within the school. Applications will normally only be considered for the obligatory (first) Hajj. In exceptional circumstances requests made on compassionate grounds may also be considered by Nurture Academies Trust's Board of Trustees.

Permissions / requests for Umrah or non-obligatory Hajj will not be considered during school term time except in exceptional compassionate grounds.

When making a request to undertake Hajj staff are asked to consider the effect their absence might have on the students with whom they work.

The initial decision on whether or not to grant exceptional leave for Hajj will be made by the school's staffing committee which will consider the written

application made by the staff member. Any appeal against the decision of the staffing committee will be heard by the members of the Nurture Academies Trust's Board of Trustees' appeals committee. The staff member may put his or her case in person to the Appeals Committee, assisted by a trade union representative or a work colleague.

The Headteacher (or appropriate manager) may present the management case to the Committees at the first hearing and at the appeal hearing.

In accordance with the school's overall policy on leave of absence, staff should not book tickets etc before the Hajj leave has been approved.

Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.

## Appendix 2

### Leave of Absence Schedule (Teachers Pay & Conditions)

Teachers' Conditions of Service stipulate that leave will normally be granted in accordance with the following schedule per academic year. Discretion lies with Nurture Academies Trust's Board of Trustees except where it is indicated that the discretion resides with the Headteacher or the Council.

Excerpt from Teachers Conditions of Service - Schedule for leave of absence			
	Reason for absence	Maximum period of absence (school days)	With or without pay
1	Death of member of immediate family (defined below)	2 days (with extra travelling time of up to 3 days if necessary) and any additional days	With pay  and Without pay
2	Wedding of any member of immediate family* OR	1 day	With pay
3	Wedding of member of family (other than immediate family)	1 day	Without pay
4	Holiday of wife, husband or child	10 days	Without pay
5	Jury service	See conditions of service	With pay (employee must claim an allowance from Court)
6	Attendance at interviews – posts connected with education	Council to retain discretion	With pay
7	Attendance at interviews – college or university	Up to two colleges with a maximum of 3 days in total	With pay
8	Attendance at interviews – others	As necessary	Without pay
9	Attendance at meetings of Examiners for GCSE or other approved examinations	As necessary	With pay
10	Attendance at courses (and for examination study and for examination) approved by Nurture Academies Trust's Board of Trustees (or relevant manager for centrally employed teachers)	As necessary	With pay
11	Other examination leave and study where not directly related to the teacher's job.	As approved by the Council on the Headteacher's recommendation.	With or without pay
12	Attendance at annual camp as volunteer member of TAVR and the like where this is clearly unavoidable	Up to 5 days and Remainder	With pay  and Without pay

13	Attendance at a religious ceremony or observation of religious festival which the teacher is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order	Up to 3 days per year	With pay
14	Removal of home by teacher joining this Authority	1 day and up to a further 2 days for travelling at the discretion of the headteacher	With pay
15	Removal of home by teacher moving house within the district	1 day	With pay
16	Representatives of trade unions attending annual conferences and taking part in formal consultations with representatives of this Authority or at national or provincial level	See conditions of service	With pay
17	Illness of member of immediate family	2 days (also see dependants / parental leave)	With pay
18	Hospital attendance of self  And  Of immediate member of family with the exception of grandparents and grandchildren	1 day  and  1 day	With pay
19	Attendance at University Graduation Ceremony etc. where self or member of immediate family is receiving a degree, diploma or certificate	1 day	With pay
20	Other urgent or private family business	Up to 1 day	Without pay
21	Attendance of husband at the birth of his child  NOTE: this leave is only applicable to a teacher who does not qualify for paternity leave.	Up to 2 days at the discretion of the headteacher	With pay

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