



Leave of Absence Policy and Procedure

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Contents

1.	INTRODUCTION	5
2.	SCOPE	5
3.	KEY PRINCIPLES	5
4.	ANNUAL LEAVE ENTITLEMENT FOR EMPLOYEES COVERED BY LOCAL GOVERNMENT TERMS AND CONDITIONS	6
4.4	Accrual of Leave during Absence	6
5.	TEACHERS' WORKING TIME	6
6.	APPLICATION TO TAKE LEAVE	7
7.	TIME OFF FOR EMERGENCIES RELATING TO DEPENDANTS	7
8.	CARERS LEAVE.....	7
9.	COMPASSIONATE, DOMESTIC EMERGENCY OR EXCEPTIONAL LEAVE.....	8
10.	TIME OFF FOR SIGNIFICANT EVENTS	9
11.	WELL-BEING DAYS.....	9
12.	TIME OFF FOR DENTAL AND MEDICAL APPOINTMENTS	9
12.2	Blood Donation	9
12.3	Elective Medical Treatment	10
13.	TIME OFF FOR FERTILITY TREATMENT	10
14.	TIME OFF FOR ANTE-NATAL APPOINTMENTS	10
15.	TIME OFF TO ACCOMPANY EXPECTANT MOTHERS TO ANTENATAL APPOINTMENTS	10
16.	TIME OFF FOR RELIGIOUS OBSERVANCE	10
17.	EXTENDED LEAVE OF ABSENCE	11
18.	SERVICE WITH AUXILIARY FORCES	11
19.	MOBILISATION	11
20.	ATTENDANCE AT COURT PROCEEDINGS	11
18.1	Jury Service	11
18.2	Witness Summonses and Subpoenas	12
21.	PUBLIC DUTIES	12
22.	TIME OFF FOR TRADE UNION DUTIES	12
23.	STUDY LEAVE	12
24.	GCSE DUTIES AND ACTIVITIES	13
25.	MOVING HOUSE	13
26.	EMERGENCY SCHOOL CLOSURE / ADVERSE WEATHER CONDITIONS	13
27.	INTERVIEWS	13
28.	HOLIDAYS IN TERM TIME	13
29.	UNAUTHORISED ABSENCE	13

30. DISABILITY LEAVE	13
31. SABBATICALS / CAREER BREAKS	14
32. APPEALS	14
APPENDIX A – Leave of Absence Appeal Form	15
APPENDIX B – Entitlements by Type of Leave	16
APPENDIX C – Leave of Absence Refusal Letter Template	17

1. INTRODUCTION

- 1.1 This Leave of Absence Policy and Procedure (referred to as procedure only hereafter) is recommended for adoption by all maintained schools including community, voluntary controlled, community special, maintained nursery, foundation, foundation special and voluntary aided schools.
- 1.2 This procedure is also recommended for adoption by academies and free schools modified as appropriate and taking into account the particular circumstances of the relevant academy or free school. It will be made clear in this procedure where a provision is relevant to maintained schools only.
- 1.3 This procedure accords with education and employment legislation and nationally negotiated terms and conditions for both teachers and support staff. It also takes into account the provisions of the ACAS website “Rights and Responsibilities at Work”, and the BIS guidance regarding “Time off to accompany at antenatal appointments” 2014. This procedure is also in accordance with both teachers and support staff terms and conditions.
- 1.4 This procedure sets out the entitlement and the steps employees need to take should they wish to make a leave of absence request.

2. SCOPE

- 2.1 This procedure applies to all teaching and support staff employees including Academy Leads and members of the Central Leadership Team. It does not apply to self-employed staff, contractors, external consultants, agency staff, governors or trustees. However, **Section 9** for the right to attend antenatal appointments **does** apply to agency workers. The needs of the Academy are paramount however the aim of this policy is to ensure requests are considered fairly and consistently.
- 2.2 Where appropriate this procedure should be read in conjunction with the Trusts Maternity, Paternity, Adoption, Shared Parental Leave Policies.
- 2.3 This policy does not cover requests for time off for training or continuing professional development (CPD) purposes.

3. KEY PRINCIPLES

- 3.1 The Trust recognises that there are times in the school working day and calendar when employees need time off to fulfill personal and/or professional commitments. The Trust is committed to promoting flexibility and developing working practices and policies that support work-life balance and wellbeing for employees, whilst recognising school need to provide a high quality teaching and learning environment for pupils. The Trust also recognises that working flexibly can raise staff morale, improve wellbeing, reduce absenteeism, improve productivity and increase the retention of experienced and skilled employees.
- 3.2 All requests for time off will be considered on merit and each academy will respond constructively, sensitively, and apply decisions fairly and consistently to all requests for leave of absence.
- 3.3 Previous requests for leave of absence and levels of attendance will be considered by the Academy Leads in making a decision.
- 3.4 The responsibility for exercising discretion on behalf of the Trust is the Academy Lead’s. Where an Academy Lead or member of the Central Leadership Team requests time off this will be considered by the Chief Executive Officer. Where the Chief Executive Officer, requests time off this will be considered by the Chair of Trustees.
- 3.5 Leave of absence will normally be on an unpaid basis, unless otherwise specified.

3.6 The trust will be mindful of its obligations and duties under the Equality Act 2010 and will be mindful of the protected characteristics in the Equality Act (i.e. age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity) in the application of this procedure and when considering flexible working requests.

3.7 All leave allowances will be applied pro rata to an employee's contracted hours, unless otherwise stated.

3.8 Entitlements will be based upon a 'rolling year' not an Academic year. For example, an employee can apply up to 5 days for childcare in a rolling year. To review entitlements for a request made in April you will look back 12 months from April to the previous April.

4. ANNUAL LEAVE ENTITLEMENT FOR EMPLOYEES COVERED BY LOCAL GOVERNMENT TERMS AND CONDITIONS

4.1 For support staff employed on a contract for 52 weeks per year, the leave entitlement is dependent on grade and continuous Local Government service. This leave must be taken during the school holidays unless specified otherwise within the terms and conditions of employment and must be agreed with the Academy Lead or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances and with the express consent of the Academy Lead, can leave be taken at other times.

4.2 The holiday year runs from 1st September – 31 August. All support staff on a 52 week per year contract are encouraged to take their full entitlement within this period and to comply with Working Time Regulations must take, as a minimum, the statutory 4 weeks holiday entitlement within the current leave year where a week's entitlement is equivalent to basic weekly contractual hours; this cannot be carried forward to the next leave year or paid in lieu.

4.3 Support staff employed on a 52 week per year contract may carry forward up to 5 days to the next annual leave year, provided this is done with the Academy Lead consent and is taken within the following academic year.

4.4 Accrual of Leave During Absence

For the accrual of leave during periods of maternity, adoption, paternity, shared parental and parental bereavement leave and sickness absence please refer to the appropriate policy.

In the event of long-term sickness absence where an employee has been unable to take their leave entitlement in the leave year it is accrued a maximum of the statutory 4 weeks can be carried forward but must be taken within a maximum period of 18 months following the return.

5. TEACHERS' WORKING TIME

5.1 A Teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days on which they may be required to teach pupils 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.

5.2 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.

5.3 These provisions do not apply to Academy Leads, Deputy Academy Leads, Assistant Academy Leads, Advanced Skills teachers or teachers in receipt of an acting allowance for carrying out the duties of a Academy Lead, Deputy Academy Lead or Assistant Academy Lead.

6. APPLICATION TO TAKE LEAVE

- 6.1 Where leave of absence is considered necessary only minimum periods of leave should be requested. This is particularly relevant to those provisions that provide for up to a given maximum – **the stated maximum must not be seen as the norm or as a given that it will be approved.** It is incumbent on the Academy Lead when considering leave of absence, to take account of the effect on the school and **whether the employee could reasonably have made other arrangements which would not interfere with their duties.**
- 6.2 Applications for leave of absence should always be submitted to the Academy Lead on the approved leave of absence application form with the electronic HR system. The maximum possible notice of proposed absence should always be given and at least 10 school working days' notice.
- 6.3 In cases of extreme necessity, where an employee is compelled to absent themselves without having obtained in writing prior consent the member of staff must notify the Academy Lead of the Academy at once using the academies usual absence reporting procedure a Leave of absence request will be submitted on your behalf by the Office Supervisor.
- 6.4 Any additional leave requested or for reasons not outlined in the policy will be considered on its own merits and circumstances.
- 6.5 The granting of leave whether paid or not, will not necessarily set a precedent for other cases.
- 6.6 Approved absence may be with or without salary. If with salary this shall be reduced by an amount equal to any allowance in respect of loss of earnings which the employee is entitled to claim from any other source, whether or not the employee actually claims the allowance.

7. TIME OFF FOR EMERGENCIES RELATING TO DEPENDANTS

- 7.1 The Employment Rights Act (ERA) 1999 provides all employees with the right to take reasonable **unpaid** time off to deal with certain unexpected or sudden emergencies relating to dependants.
- 7.2 A dependant is someone who depends on the employee for care and could be a spouse, partner, child, parent, or someone else who depends on the employee, for example an elderly neighbour.
- 7.3 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 a 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. For time off for attending medical appointments for dependants please refer to the parental leave policy.
- 7.4 Employees may be granted up to 5 days' paid leave in any one 'rolling' year to look after a dependant where there is no alternative care available. The Academy Lead may consider extending this having taken into account individual circumstances.

8. CARERS LEAVE

- 8.1 From the 6th April 2024 anyone who is legally classed as an employee can take time off to help a dependant who needs long-term care. The law is the Carer's Leave Act 2023.
- 8.2 The right to take **unpaid** carer's leave applies from the first day of work .An employee can take carer's leave to give or arrange care for a dependant who needs long-term care. An employee's dependants can include:
- their husband, wife, civil partner or partner
 - their child
 - their parent

- a person who lives in their household (not tenants, lodgers or employees)
- a person who relies on them for care, such as an elderly neighbour

A dependant has a long-term care need if they have any of the following:

- a disability as defined under the Equality Act 2010
- an illness or injury that is likely to need care for at least 3 months
- a care need related to old age

8.3 Employees can take up to 1 week of unpaid carer's leave every 12 months. An employee might need to care for more than one dependant. In these circumstances, they can still only take one week of carer's leave. But they can use the week of leave for more than one dependant. They can choose to take leave as:

- half days – this is the minimum they can take
- full days
- a whole week

An employee is entitled to a period of leave that is equal to their usual working week. For example, if someone works 3 days a week, they can take 3 days of carer's leave.

8.4 Employees must give their employer notice before the start of their leave. The minimum notice they must give will depend on how many days of leave they want to take.

Minimum notice requirements

Number of days requested

Minimum notice required

Half a day to 1 day	3 days' notice
.5 to 2 days	4 days' notice
2.5 to 3 days	6 days' notice
3.5 to 4 days	8 days' notice
4.5 to 5 days	10 days' notice
6 days	12 days' notice
(If an employee works 6 days a week)	

An employee does not have to:

- Put their request for leave in writing, however the request should be made via the online HR System so that carers leave can be recorded.
- Give their employer evidence of their dependant's care needs, but employees should state what the leave is for.

8.5 Employers cannot refuse someone's request for carer's leave. But they can ask them to take it at a different time. They can only do this if the employee's absence would cause serious disruption to the Trust. If the employer needs to delay the leave, they must:

- agree another date within 1 month of the date the employee originally requested leave for
- explain in writing why they need to delay the leave – they must do this within 7 days of the request or before the leave starts, whichever is the earlier
- If the employee needs to cancel their request for carer's leave, they should do this as soon as possible. It's good practice for the employer to consider this but they do not have to agree to it.

9. COMPASSIONATE, DOMESTIC EMERGENCY OR EXCEPTIONAL LEAVE

9.1 Employees may be granted up to 5 days' paid leave in compassionate, emergency or exceptional circumstances, such as bereavement or serious illness of a close relative, which may include for example parent, guardian, child, sibling, spouse, partner, grandparent, grandchild (it is recognised this list is not exhaustive), or in the event of a domestic emergency such as fire, flood, burglary in

any one 'rolling' year. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. In some cases, a longer period of absence may be approved on an unpaid basis.

9.2 With effect from 1st April 2020 employees who are primary carers of and who have lost a child under 18 years or suffered a still birth after 24 weeks of pregnancy, are entitled to statutory parental bereavement leave of up to 2 block weeks which is paid at the statutory parental bereavement rate for employees with more than 26 weeks' continuous service ending at the relevant week and unpaid for those with less than 26 week's continuous service. This leave must be taken within a period of 56 weeks beginning with the date of the child's death.

9.3 Consideration will be given to one day's unpaid leave to attend a funeral if leave is requested for a distant relative or friend.

10. TIME OFF FOR SIGNIFICANT EVENTS

10.1 The Trust recognise that from time to time employees may wish to attend a significant event during term time such as a graduation ceremony for a son or daughter or the wedding of a close family member. The Academy Lead may grant one day's paid leave in a school year in order to attend a significant event. Employees must seek the express permission of the Academy Lead for paid leave in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Academy Lead will need to refuse such a request.

11. WELL-BEING DAYS

11.1 All Bolton Impact Trust employees are granted 1 days paid leave for well-being across an academic year. Well-being days can be utilised for activities that will promote an employee's overall well-being, whether that be physical or mental.

11.2 Well-being days cannot be used for situations that would normally be covered under the attendance management policy. For full details on requesting well-being days can be found in the employee handbook.

11.3 Employees must seek the express permission of the Academy Lead for well-being leave in advance of the day. Requests should be made via the online HR System. Employees are expected to give 10 days' notice for requests for well-being days. The operational needs of the school will be considered before granting leave and there may be times when the Academy Lead will need to postpone such a request.

12. TIME OFF FOR DENTAL AND MEDICAL APPOINTMENTS

12.1 All trust employees, where possible, are expected to make appointments out of school time. In exceptional emergency circumstances, reasonable paid time off may be allowed at the discretion of the Academy Lead and appointments should be made at times likely to cause least operational disruption to school and pupils. The Academy Lead may request proof of appointment. This applies equally to accompanying a child or partner to an appointment.

12.2 Blood Donation

Should an employee wish to give blood at a local donation session, (which are typically every 4 months), subject to adequate notice, the Academy Lead has discretion to grant one hour's unpaid time off work. A request to attend may be refused due to the academies needs and operational requirements. If a request is approved it is an employees' own responsibility to pre-book and make their own transport arrangements to attend a local session.

12.3 **Elective Medical Treatment**

Elective treatment such as cosmetic surgery will not be treated as sickness absence unless medical evidence is provided in advance confirming such treatment is necessary due an impact on an employee's physical/mental well-being.

Employees should use school holiday periods for any time take off work to undergo elective treatment including any normal expected recovery period. Any unforeseen complications, which may extend the initial expected recovery time, may be treated as sickness absence if supported by a medical certificate.

NB - In accordance with equality legislation gender re-assignment surgery will be considered as sickness absence and managed sensitively and reasonably in accordance with the Equality Act 2010 and school's Attendance Management Policy.

13. **TIME OFF FOR FERTILITY TREATMENT**

13.1 Employees have no statutory right to paid time off for fertility treatment appointments. However, the Academy Lead will deal sensitivity and reasonably with requests to paid time off. Up to five days paid per annum will be granted for females undergoing treatment and one day paid for partners to attend an appointment. Medical appointments related to the above will be treated the same as other medical appointments.

14. **TIME OFF FOR ANTE-NATAL APPOINTMENTS**

14.1 Maternity Regulations provide the right for all women to take paid time off to attend antenatal care. Pregnant staff must produce evidence of appointments if requested to do so by their line manager or Academy Lead.

15. **TIME OFF TO ACCOMPANY EXPECTANT MOTHERS TO ANTENATAL APPOINTMENTS**

15.1 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 ante-natal appointments. A qualifying relationship includes an expectant father or the partner (including same sex) of a pregnant woman. A "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination.

15.2 The right is to take **unpaid** time off work for this purpose.

15.3 Employees qualify for the right from the first day of employment as there is no qualifying service period.

15.4 Employees accompanying the expectant mother to their ante-natal appointments are entitled to unpaid leave for 1 or 2 appointments.

15.5 The time off is capped at six and a half hours for each appointment.

15.6 The Academy Lead is not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card. However, they are entitled to ask the employee for a declaration stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

16. **TIME OFF FOR RELIGIOUS OBSERVANCE**

16.1.1 A maximum of three days' paid leave will normally be granted to observe the days of obligation for the main religious festivals e.g., Eid, Diwali and Passover where these fall in term times.

- 16.1.2 Employees must submit their request in writing and give as much notice as possible. The Academy Lead will be sympathetic and give serious consideration to requests. However, where reasonable notice is not given or if the request makes the service delivery impossible, the Academy Lead has the right to refuse the time off.
- 16.1.3 At times, extended leave of absence for religious observance may be requested, for example, individuals may request a period of time off for Haji. Individuals should submit their request in writing with plenty of advance notice with the reason, duration and return to work date to the Academy Lead, who will give serious consideration to their request. Such extended leave will be without pay.

17. EXTENDED LEAVE OF ABSENCE

- 17.1 Requests for longer periods of leave will be considered on an unpaid basis, for example, in the case of a lengthy period of caring for a chronically sick, disabled, or terminally ill, dependent relative. Extended leave may be for up to a year's duration depending on the circumstances. Sufficient notice that allows the appointment of a temporary replacement post-holder should be given wherever possible.

18. SERVICE WITH AUXILIARY FORCES

- 18.1 Volunteer members of UK Armed Forces are allowed two weeks' paid leave to attend an annual summer camp. Teaching and term time only staff are only granted paid leave if the force's unit cannot arrange exercises during holiday periods. Confirmation of these circumstances will be required.

19. MOBILISATION

- 19.1 When Reservists are needed to fulfil their part of the UK's defence strategy, they are 'mobilised' or 'called out' into full time service with the regular forces or military operations and have a statutory right to be released from work to undertake this duty. While the Reservist is mobilised the trust does not have to continue to pay them, the Ministry of Defence (MOD) will pay their salary. For further information on mobilisation, please refer to the DRM (Defence Relationship Management) website <https://www.gov.uk/government/groups/defence-relationship-management>

20. ATTENDANCE AT COURT PROCEEDINGS

20.1 Jury Service

The trust cannot refuse time off for employees who have been summoned for Jury Service. Leave to carry out jury service will be granted where notice from the court has been received and a copy of the notice letter should be provided to the employees' line manager no later than 7 days after its receipt.

Employees are however required to claim the allowance for loss of earnings from HM Courts & Tribunals Service (HMC&TS) and an equivalent amount will be deducted from the employee's salary. This means that the employee is not disadvantaged and receives the equivalent of their normal salary for the period of Jury Service. A failure to claim or advise the trust's payroll provider of the amount of allowance received may result in full pay being deducted for the period of absence. Employees will be expected to attend work as normal if they are not required to attend jury service for any full or half working days where it is reasonably practical to expect them to return to the workplace. The length of Jury Service is determined by the court.

Deferment of Jury Service

In exceptional and extenuating circumstances where it is not permissible to release an employee at the time called for jury service the trust may request that the employee make arrangements for the jury service to be deferred. It is however recognised that the Courts decision on any deferment is final.

The trust will not support an application for deferment where an employee doesn't wish to undertake the public duty.

20.2 **Witness Summonses and Subpoenas**

Time off to attend court as a summoned or subpoenaed witness is not discretionary. Any witness expenses **must** be claimed and declared to the relevant payroll provider. Failure to do so may result in pay being stopped for the relevant period. Time off to attend court as a voluntary witness is discretionary. The Academy Lead will consider the individual circumstances including the impact on the academy and the cover arrangements.

21. **PUBLIC DUTIES**

21.1 There is no statutory requirement to pay employees who fulfil public roles. However, the Trust takes seriously its corporate social responsibility to support its community by recognising the value our staff add in undertaking their public duties and its contribution to their personal development. Accordingly, the Academy Lead has discretion to allow up to 10 days' paid leave per annum to carry out the duties of the office of Leader, Mayor, JP or Chairman of Local Authorities. For employees who are school or college Governor's, up to 3 days' paid leave per annum will be granted. In addition, reasonable unpaid leave may be granted for employees carrying out public duties.

21.2 **Definition of Public Duties**

- A magistrate (also known as Justice of the Peace)
- A local councillor
- Member of local authority
- A school governor
- Member of managing or governing body of an educational establishment
- Member of the General Teaching Councils for England and Wales
- Member of a statutory tribunal
- Member of a health authority
- A member of a school council or board in Scotland
- Member of the Environment Agency or the Scottish Environment Protection agency
- Member of Police Authority
- Member of prison independent monitoring board (England and Wales) or a member of the prison visiting committees (Scotland)
- A member of Scottish Water or a Water Customer Consultation Panel
- Member of a trade union (for trade union duties)

22. **TIME OFF FOR TRADE UNION DUTIES**

22.1 The trust recognises the legal requirement for employers to allow reasonable time off work for the academies elected representatives of recognised trade unions to carry out their duties. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work;
- consultation on redundancy and dismissal arrangements;
- meetings with school management or LA officers on matters of joint concern;
- representing a union member at formal grievance, attendance, capability or disciplinary interviews or meetings;
- attendance at relevant training courses organised by the trade union.

22.2 Time off should be considered in conjunction with the Academy's Trade Union facility agreement.

23. **STUDY LEAVE**

23.1 For employees who are sitting examinations relevant to their current post or career, half a day's paid study leave per examination plus half a day paid per examination will be granted.

24. GCSE DUTIES AND ACTIVITIES

- 24.1 Teachers who are engaged in activities for examining groups may be released with pay by the academy where they satisfy the conditions set out in appendix II of the Burgundy Book, Memorandum of Agreement for the Release of Teachers.

25. MOVING HOUSE

- 25.1 Where possible arrangements should be made for the move to take place outside normal school days. Where this is not possible an employee may be granted one day's paid leave. The Academy Lead's agreement must be sought beforehand.

26. EMERGENCY SCHOOL CLOSURE / ADVERSE WEATHER CONDITIONS

- 26.1 There may be circumstances when an employee is unable to attend work due to bad weather but the academy remains open as usual. All reasonable effort should be made to attend work. Alternative arrangements may be agreed with the Academy Lead e.g. working from home or at a different location. Where this is not possible, non-attendance will be treated as unpaid leave.
- 26.2 If the academy is closed for health and safety reasons or other emergency reasons as determined by the Academy Lead, Executive Principal or Chair of Trustees and employees cannot work from home or at another location, time off with pay will be granted for the duration of the disturbance.

27. INTERVIEWS

- 27.1 An employee may take up to one day's paid leave for an interview, subject to a reasonable total within any one term. The Academy Leads agreement must be sought beforehand.
- 27.2 Time off to attend any induction or meetings at a new school or employee will be at the discretion of the Academy Lead, which may be either paid or unpaid depending on the level of new role, period of time requested and in consideration of the impact of the requested leave on the operation of the school.

28. HOLIDAYS IN TERM TIME

- 28.1 Holidays in term time are not normally permitted and will be granted **only** in very exceptional circumstances. Employees must not therefore book holidays in term time without the express written permission of the Academy Lead, Chief Executive Officer or Chair of Trustees.

29. UNAUTHORISED ABSENCE

- 29.1 If an employee absents him/herself without the prior consent of the Academy Lead this may warrant an investigation under the School's Disciplinary procedure.

30. DISABILITY LEAVE

- 30.1 Leave of absence may be granted at the discretion of the Academy Lead for time off work for a reason related to an employee's disability. Disability Leave is not a right, each case will be considered on its merits and leave may be granted with or without pay. In order to qualify for Disability Leave, an employee must be disabled within the meaning of the Equality Act 2010.
- 30.2 The period of disability leave will be agreed between the employee and the Academy Lead and will depend on all the facts and circumstances of the particular case.
- 30.3 Disability Leave will cover cases where an employee is well but needs to take time off work for treatment, rehabilitation or assessment related to his/her disability. This may include cases where an employee needs to be absent from work for a routine assessment or a hospital or specialist check- up. It may also cover cases where an employee needs a period of time off work for

recuperation and/or rehabilitation, for example following an operation or a blood transfusion relating to his/her disability.

- 30.4 Disability Leave may be planned or unplanned. It may be for a short time or for a longer period. Where disability leave is planned, the employee must produce evidence of the appointment or treatment and must agree to the Academy Lead seeking further information and evidence if it is considered appropriate. This may include obtaining advice from a GP, specialist or from Occupational Health. Employees who can control the timing of their appointments/treatment must consider the needs of the Organisation and if possible, arrange appointments outside of the normal working day.
- 30.5 Where disability leave is unplanned, evidence relating to the leave must be obtained by the employee and provided to the Academy Lead as soon as reasonably practicable.

31. SABBATICALS / CAREER BREAKS

- 31.1. The Trust recognises employees may wish to take an unpaid break from work for an extended period of time to either study, travel, volunteer abroad or look after children until school age. Requests for an extended break to seek employment elsewhere will not be considered.
- 31.2. The Trust is committed to retaining valuable employees in whom it has invested; such requests will be considered providing that they have with a minimum of 5 year's continuous service may request a break of up to 1 year's duration.
- 31.3. In consideration of a request the Trust board will consider the operational and school requirements including the impact on the quality of teaching and learning provision for pupils, the need for continuity of the post and the ability to provide adequate cover.
- 31.4. Any such agreed breaks will be unpaid.
- 31.5. The break does not count towards continuity of service and therefore is no accrual of terms and conditions such as annual leave; sick pay etc. Any outstanding leave must be taken prior to the commencement of the break.
If a request is approved the Academy Lead will agree with employees in advance terms of communication whilst the employee is on a career break and in the event of redundancy the academy will follow the school's Redundancy Policy.
- 31.6. Notification Procedure
Requests must be put in writing at least 3 months' in advance of the date from which it is planned to take effect.
- 31.7. Return Notification Procedure
Employees must give 3 months' notice of their return and it cannot be guaranteed that the employee can a return to his/her previous job with the same terms and conditions, however, where possible the academy will endeavour to find a role of broadly similar status and nature.

32. APPEALS

- 32.1 Employees have the right of appeal against the Academy Leads decision to refuse an application for leave of absence in writing within 10 days' of the date of the decision letter to the Appeal Manager whose details will be outlined in that letter. Academy Leads can appeal to a Trust Appeal Committee (Consisting of 3 governors/trustees with at least one trustee.)The Academy Lead or Chair of the appeals committee (usual the chair of governors or a trustee) will need to objectively justify why they have refused any request and the Appeal Committee decision is final. All appeals should be submitted in writing on the appeal form (**Appendix A**). The Appeal Manager will decide whether it is appropriate for a meeting to be held with the employee, which will be arranged as soon as practicable following receipt of the appeal. In any event the Appeal Manager will confirm the outcome of the appeal in writing as soon as practicable following receipt of the appeal.

32.2 During the course of the appeal process the original decision will stand and at appeal can be confirmed or revoked. The decision of the appeal is final and there is no further right of appeal.

Appendix A – Leave of Absence Appeal Form

Please complete this form if you are dissatisfied with the outcome of the Leave of Absence Request. Please return the form with any supporting documents to the Appeal Manager /Committee within 10 school working days of the date of the letter of the your application.

Name:	
Job Title / Department:	
Date form submitted:	

1. What is the reason for your appeal? (Please supply as much detail as possible including why you disagree with the reasons for the rejection of your leave of absence request)

Please return this pro forma to the Appeal Manager as outlined in your original decision letter within 10 days of the date of your original decision letter. Please also retain a copy of this pro forma for your own records.

Unpaid leave is not pensionable therefore the taking of unpaid leave will have pension implications. Further advice can be sought from Teachers Pensions (teacherspensions.co.uk) or LGPS (lgps.org.uk)

Signed Employee:		Date:	
Received by Appeal Manager:		Date:	
Leave of absence granted	Yes/No - delete as appropriate	Date:	
Paid	Yes/ No – delete as appropriate	Date to Payroll:	

Appendix B – Entitlements by Type of Leave

(All leave requests are subject to the approval of the Academy Lead) Before agreeing or refusing leave requests this document should be read in conjunction with the main policy.

TYPE OF LEAVE*	STATUTORY REQUIREMENT	NOT STATUTORY	PAID	UNPAID	PARAGRAPH
Annual leave entitlement for Local Government staff	X		X		4
Time off to care for dependents	X		X (up to 5 days)		7
Time off for Carers leave	X			X (up to a week)	
Compassionate, domestic emergency or exceptional leave	X		X (up to 5 days)		8
Time off for significant events		X	X (up to 1 day)		9
Well-being days		X	X (up to 1 day)		
Time off for dental and medical appointments		X		X	10
Time off for fertility treatment		X	X (up to 5 days)		11
Time off to attend ante-natal appointments	X		X		12
Time off to accompany expectant mothers	X			X	13
Time off for religious observance		X	X (up to 3 days)		14
Extended leave of absence		X		X	15
Service with Auxiliary Forces	X		X		16
Mobilisation	X			X	17
Attendance at court proceedings	X			X	18
Public duties		X	X (up to 3 days)		19
Time off for Trade Union duties	X		X		20
Study leave		X	X		21
GCSE duties and activities	X		X		22
Moving House		X	X (up to 1 day)		23
Emergency school closure		X		X	24
Interviews		X	X		25

Appendix C - Leave of Absence Refusal Letter Template

It is advised that you contact One Education HR & People prior to refusing leave.

Private and confidential

<Employee name>

<Address>

<Date>

Dear <employee name>,

Re: Leave of absence request

Thank you for submitting your leave of absence request on **<date of submission>** and attending the meeting on **<date >**.

You have requested leave from **<insert date(s)> to <insert date(s)>** for **<insert the request reason>**.

In accordance with the **school/Academy's** leave of absence policy all leave of absence requests are considered on their own merits and the circumstances at the time of the request. Additionally I have taken into account the impact of your absence would have on the **school/academy**, your colleagues and pupils.

After careful consideration I have made the decision to refuse your application due to **<insert reason eg Employees of <name> school are not permitted to take holidays in term time and this is stated in their contract of employment / staffing in school on that day is already low due to earlier requests being granted /our statutory duties including staffing ratio's to ensure pupil welfare and safeguarding would be compromised and leave the team vulnerable /You have exhausted your entitlement to <type of leave>**.

I am sorry if this disappoints you however I must ensure the needs of the **school / academy** and the needs of our students are met on a daily basis.

If you wish to appeal against my decision please appeal in writing within 10 working days of this letter to the Clerk to Governors, **<insert name and contact details>**.

I must remind you that if you do not attend work on any days you have requested leave, this will be deemed as unauthorised absence and you may be subject to disciplinary proceedings.

Please contact me if you wish to discuss this matter further.

Yours sincerely

<name>

Academy Lead