



St Joseph

Catholic Multi Academy Trust

Leave of Absence Policy

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For the purpose of this policy the following representatives need to sign off this document:	
Role & Responsibilities	Name
Chair of the Board of Directors	Ann Connor OBE
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1. Definitions

In this Policy, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Academy' means any academy operated by St Joseph Catholic Multi-Academy Trust Company and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- ii. 'Academy Trust Company' means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.
- iii. 'Board' means the board of Directors of the Academy Trust Company.
- iv. 'Directors' means directors appointed to the Board from time to time.
- v. 'Headteacher' means the most senior teacher in an individual Academy who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Principal.
- vi. 'Governors' means, (if appropriate to the context), the governors appointed or elected to the Local Governing Body, from time to time.
- vii. 'Local Governing Body' means, (if appropriate to the context), the Governors appointed to carry out specified functions in relation to the Academy as delegated by the Academy Trust Company.

2. Introduction

- 2.1 The Board has overall responsibility for the effective operation of this policy and for ensuring compliance. The Headteacher has delegated day-to-day responsibility in individual academies for operating the policy. This policy serves to assist the headteacher in making decisions about requests for leave in accordance with legal, contractual and moral obligations.
- 2.2 The primary aim of this policy is to ensure that such requests are dealt with fairly and consistently.
- 2.3 This policy does not form part of any employee's contract of employment.

3. Purpose and Scope

- 3.1 This procedure applies to all staff working in the academy. Where employees transferred into the Trust under TUPE on enhanced contractual terms these continue to apply. Teachers and 'term time only' support staff have contracts of employment which provide for annual holidays to be taken during school closures. There is therefore no contractual entitlement to time off during term time.
- 3.2 However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay. This policy details these entitlements (other than for purposes of Maternity, Paternity and Adoption Leave (including Shared Parental and Parental Bereavement Leave) which are dealt with in a separate policy of that name).
- 3.3 It is also recognised that, from time to time, the academy may agree to grant individual employees time off during term time (whether paid or unpaid) for a variety of reasons.

4. Requesting Leave

- 4.1 An employee who desires leave of absence is entitled to submit a written request (giving reasons and appropriate notice). The form for such requests (Appendix 1) should be completed by the member of staff in all cases and submitted to the headteacher for consideration as soon as possible.
- 4.2 Many religions or beliefs have special festival or spiritual observance days on which certain employees may wish to celebrate or attend ceremonies. An employer should consider such requests for leave sympathetically when it is reasonable and practical for the employee to be away from work. Refusal to grant such leave may be regarded as discriminatory if it cannot be justified by a legitimate business need which is incapable of being met by other reasonable means.
- 4.3 The headteacher (or nominated manager) will give due consideration to all requests based on the merits of the individual case. In doing so it is appropriate to keep in mind both the needs of the service and the employee's contractual arrangements. In this context, a distinction may be made, when determining applications for leave, between those instances when the staff member is in control of the circumstances (for example where they have a choice in arranging the date of a proposed ceremony) and those where the staff member has no such control.
- 4.4 In all cases where leave of absence has been requested, any implications arising from the decision made should be discussed between the headteacher (or nominated manager) and the individual concerned. There is no formal right of appeal against the decision made by the headteacher as this is simply a management decision.

5. Absence Entitlements

- 5.1 A schedule of entitlements for staff is attached at Appendix 2, these provisions being set out in the context of a workforce which is effectively differentiated into teaching staff (who are

generally employed all year round) and support staff (who are most often, although not exclusively, employed term time only).

6. Unauthorised Absence

- 6.1 If You take leave of absence without the prior consent of the headteacher this constitutes unauthorised absence and may warrant a sanction under the academy's Disciplinary Policy.
- 6.2 Staff (other than those who have previously gained approval for absence under this policy) who do not attend their place of work as scheduled (or, if homeworking, do not establish contact with the headteacher/line manager in the event of inability to undertake work as agreed), but have failed to comply with the reporting procedures of the Attendance Management Policy (or, where appropriate, the Adverse Weather Policy) will be deemed to be absent without leave.
- 6.3 If You fail to contact the headteacher/line manager during the first day of absence, the headteacher/line manager should attempt to contact You by telephone/text/email to establish why You are not at work and when You will return to work.
- 6.4 If the headteacher/line manager is unable to contact the staff member within the first two working days of absence, they should write to the staff member. The letter should instruct the staff member to contact the headteacher/line manager or other specified contact immediately, remind them of the procedure for notification of absence and indicate the possible outcome or action (such as loss of pay, disciplinary action etc) should no contact be made.
- 6.5 If there has still been no contact after five working days of absence, the headteacher/line manager should write to the staff member again, using recorded delivery.
- 6.6 This letter should:
 - require that the staff member contact the headteacher/line manager (or other (*named*) contact) by a certain date (within two working days of sending the letter)
 - remind them (the staff member) of the procedure for notification of absence
 - inform them of previous unsuccessful attempts made to contact them
 - notify them that their pay may be suspended with immediate effect
 - notify them that failure to make contact by the date specified may additionally result in disciplinary action being taken against them.

If the staff member still fails to make contact within the specified period the headteacher or nominated manager should consider whether to require the staff member to attend an investigatory meeting to establish the facts of the case.

7. Time off for Dependents

- 7.1 The law recognises and the Board respects that there may be occasions when you will need to take time off work to deal with unexpected events involving a dependant.
- 7.2 You have the right to a reasonable amount of unpaid time off (one or two days) to support a dependent. This time off is intended to deal with **unforeseen** occurrences and **emergencies**. This section applies to all staff within the academy, including those on fixed term contracts. In these circumstances, there is no qualifying period of service.
- 7.3 Accordingly, the Academy Trust Company has agreed that a member of staff is entitled to take **2 days paid** time off in any 12-month period to:
- help, or make care arrangements, when a dependent unexpectedly:
 - becomes ill
 - gives birth
 - is injured or assaulted
 - deal with unanticipated disruption to, or termination of, arrangements for the care of a dependent
 - make necessary arrangements following the death of a dependent (unless a child is under 18 where the Parental Bereavement Policy will apply).
- 7.4 In the context of time off for dependents, a dependent is defined as:
- a spouse or partner
 - a child
 - a parent
 - someone who lives in the same household (other than an employee, tenant, lodger or boarder)
 - anyone who reasonably relies on the member of staff either for assistance or to make care arrangements in the event of illness or injury.
- 7.5 These definitions also include partners or elderly relatives living with the family (and an employer should additionally be mindful of the potential for a claim of discrimination on grounds of disability by association).
- 7.6 The injury or illness need not be life-threatening and the definition includes both physical and mental illnesses. You can exercise this right in the unexpected absence of a childminder, nanny, nurse or carer.
- 7.7 The right to time off is intended to cover **genuine emergencies** – if You know in advance that You will need time off, You should request annual leave or leave of absence.

7.8 It is your responsibility to:

- inform the academy of the situation as soon as is reasonably practicable
- let the academy know, if this is possible, how long they expect to be off work.

7.9 It is not necessary for notice to be given in writing. There is no requirement for the member of staff to produce evidence, either of their relationship to the dependent, or the incident that triggers a request for leave.

7.10 If the academy believes that the member of staff is abusing the right to time off, the matter should be dealt with through the Disciplinary Policy.

8. Time off for (partner) Antenatal Appointments

8.1 All employees are entitled to accompany their partner* in attendance at up to two antenatal appointments (taking up to six and a half hours each time). This time is **unpaid**.

**Attendance at antenatal appointments on an employee's own behalf (which is paid) is dealt with in the Maternity, Paternity and Adoption Leave Policy (including Shared Parental Leave and Parental Bereavement Leave)*

8.2 The employee should (as and when requested) provide a signed declaration setting out the date and time of the appointment and stating that:

- they have a qualifying relationship with a pregnant woman (or her expected child)
- the purpose in taking time off is to accompany a pregnant woman to an antenatal appointment;
- the appointment in question is made on the advice of a registered medical practitioner, midwife or nurse

9. Parental Leave

*NB Please note **parental leave** should not be confused with **Shared Parental Leave** (legislation applicable since 2015) which is dealt with in the Maternity, Paternity and Adoption Leave Policy (including Shared Parental Leave and Parental Bereavement Leave).*

9.1 Eligibility for parental leave is applicable to all staff within the academy. Parental leave applies to both parents and is distinct from 'maternity leave' and 'shared parental leave'.

9.2 Staff members are entitled to parental leave (a period of unpaid leave) once they have been continuously employed for one year **and**:

- are the parent (named on the birth certificate) of a child who is under 18 years old; or
- have adopted a child under the age of 18 (the right lasts until the child's 18th birthday); or
- have acquired formal parental responsibility for a child who is under 18 years old.

(a step-parent will have to apply to the court to acquire formal parental responsibility if they wish to take parental leave in respect of their spouse's child or children)

9.3 All members of staff are entitled to (a total of) 18 weeks' unpaid leave in respect of each child who qualifies as above.

9.4 The key elements of parental leave are:

- leave may be taken in blocks of one week upwards (this minimum period does not apply in relation to a child with disabilities)
- the member of staff must give at least 21 days' notice of taking leave
- the employer can postpone leave for up to six months, for example, for business reasons
- a member of staff may not take more than four weeks' leave in respect of any individual child during one leave year
- outstanding parental leave can be carried over to a new employer, but a further qualifying period of service of one year is needed before there is any entitlement to take this leave.

When a member of staff takes parental leave of four weeks or less, they are entitled to return to the job in which they were employed before the absence.

10. Monitoring - Across the Trust Estate

This policy will be reviewed annually.


At every review, the policy will be approved by the Trust Board.

11. Links with other policies

This leave of absence policy links to the following policies and documents:

- Adverse Weather Policy
- Attendance Management Policy
- Disciplinary Policy
- Maternity, Paternity and Adoption Leave Policy (including Shared Parental Leave and Parental Bereavement Leave)

12. Sign off

Presented & Approved by Trust Board	26.09.23
Signed by Chair of Trust Board	
Name of Chair of Trust Board	Ann Connor
Date	26.09.23
Version	1.0
Date of Review	31.12.24

Appendix 1 – Request for Leave of Absence

(time off in term time)

Part A – for completion by employee

Academy:	
Name:	
Job title:	

Reason for requesting time off:

<input type="checkbox"/>	Parental leave	<input type="checkbox"/>	Jury service
<input type="checkbox"/>	Compassionate leave	<input type="checkbox"/>	Witness duty
<input type="checkbox"/>	Time off for dependents	<input type="checkbox"/>	Union duties
<input type="checkbox"/>	Reserve forces	<input type="checkbox"/>	Public duties
<input type="checkbox"/>	Medical appointment or procedure	<input type="checkbox"/>	Blood donation
<input type="checkbox"/>	Religious observance (please detail)		
<input type="checkbox"/>	Other (please detail)		

Dates of requested time off: From: (DD/MM/YY) To: (DD/MM/YY)

Actual number of working days absent: (days)

Times of absence: From: (HH:MM) To: (HH:MM)
(if part-day leave)

Reason for request:
(please give full details of circumstances applicable)

Signature:

Date:

Part B – for completion by headteacher (or line manager where applicable)**School:****Name:****Job title:**

Dates of requested time off: From: (DD/MM/YY) To: (DD/MM/YY)

Actual number of working days absent: (days)

Times of absence: From: (HH:MM) To: (HH:MM)
(if part-day leave)☐ Time off **APPROVED**☐ Time off **NOT APPROVED**☐ with pay☐ without pay*(in which event headteacher to inform payroll)***Signed:** (headteacher or line manager)**Date:****Date decision conveyed to employee:****Completed form (both part A and part B) to be held by the academy****NB If leave is to be unpaid, copy part B only to payroll**

Appendix 2 – Leave entitlements for all academy based staff

Notes:

All requests for leave are to be submitted to (and approved as appropriate by) the headteacher or nominated manager prior to the leave being taken.

The term 'close relative' is normally taken to include spouse, partner, parent, sibling or child.

Type of request	Teacher	Support staff
Unpaid leave of absence	Where there is contractual flexibility individuals should make use of applicable paid leave entitlements, periods of school closure and flexible working hours provision as appropriate before making requests for unpaid leave of absence	Individuals should make use of periods of school closure, their annual leave entitlements (where applicable) and flexible working hours provision as appropriate, before making requests for unpaid leave of absence
Bereavement <i>other than Parental Bereavement Leave – for which see Maternity, Paternity & Adoption Policy, Parental Bereavement Leave)</i>	Maximum 3 days' paid leave except in exceptional circumstances where individual cases will be treated on merit (this would allow time would include making funeral arrangements etc) Applicable to parents, spouse/partner, sibling or children	
Funeral	One day paid leave applicable to funeral of employee's: husband/wife/partner child sibling parent/parent-in-law grandparent Funerals other than above may be approved with or without pay at the discretion of headteacher/manager	
Wedding	Wedding of an immediate member of family, ie child, brother, sister, parent – as may be approved by headteacher/manager, with salary Wedding other than above – one day, without salary	
Degree graduation ceremony	Graduation ceremony of self or any immediate family member receiving degree – one day, with salary	
Speech day attendance	Parent of the child receiving the prize – half day, with salary	
Attendance/ Observance of religious festivals*	Individuals should make use of any flexible working provision (where appropriate) before making requests for unpaid leave of absence	Individuals should make use of their annual leave provision and of any flexible working provision (where appropriate) before making requests for unpaid leave of absence
<i>*Requests for time off for religious observance should be considered sympathetically and accommodated where possible, although extended absences (in excess of two weeks) will need to be balanced with the operational needs of the school</i>		

Type of request	Teacher	Support staff
Blood donation	Paid leave, if can be accommodated	
Employment interviews	Interview for another teaching post – time off with pay	For local government interviews – time off with pay
Attendance at approved courses	As may be approved by the headteacher/manager, with salary	
Approved examinations	For each half day of approved examination – half day paid leave up to a maximum of 5 days – only to be exceeded in exceptional circumstances (as may be authorised by the headteacher) as unpaid leave Other than approved examination (as may be authorised by the headteacher) – unpaid leave	
Attendance at examiners' meetings	Attendance at meetings of examination board – as may be essential with the approval of the headteacher/manager – with salary	N/A
Statutory tribunals	Paid leave of absence if attending in official capacity School to deduct any allowance received	
Trade union courses / seminars / conferences	Refer to facilities for teacher union representatives arrangements <i>(NB there is a statutory legal right to a reasonable amount of paid time off for training for TU representatives and health and safety representatives which is additional to facility time arrangements)</i>	Refer to local authority facilities agreement, as appropriate.
National educational conferences	Conferences on educational matters, as may be permitted, with salary	
Member of governing body of another school	Attendance at a meeting of a governing body, as necessary, with salary	
Elections	Prospective candidate at parish, district or county elections – polling days, with salary Prospective parliamentary candidate - three weeks without salary (to include the day following the election)	
Civic duties	If mayor(ess)/consort or deputy mayor(ess)/consort are employees – with salary	
Election duties	Staff who assist at elections as presiding officers, poll clerks and counting clerks, within the administrative area of the academy.	

	Leave of absence (with pay) from their normal duties (as and when contractual obligations allow)
Elected member of local authority	Paid leave for up to 28 days per year, subject to individual assessment at the discretion of the headteacher/governing body

Type of request	Teacher	Support staff
Duties of justice of the peace or magistrate	Paid leave of absence – academy may deduct any allowance received	
Jury service	Paid leave of absence (employee to claim any juror's allowance and such amount received to be deducted from pay)	
Service in HM non-regular forces	Attendance at annual camp as volunteer member of territorial army or officer of a cadet force Up to two weeks with discretion in special cases, with salary Officers required to undertake training additional to summer camp who are unable to arrange for such training on days when they would not normally be working – paid leave of absence (maximum of 16 days per annum) recommended by national agreement	
Holiday with partner	This provision is intended primarily for support staff with partners in HM forces and to meet cases where the employee's spouse is compelled to take their main annual holiday during term time	
Special constables	Paid leave of absence	
Retained fire fighters	Paid leave of absence	
House removal	1 day with pay	1 day with pay (term time staff only)
Maternity / paternity / adoption / shared parental leave / parental bereavement leave	Refer to relevant section of appropriate policy	
Governance duties	Information gathering in school – 1 day annually Participation in working parties/committees – up to 6 days annually Recruitment – up to 3 days annually (all with pay)	