



Brontë Academy Trust
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Bronte Academy Trust

Leave of Absence & Time off Work Policy

Bronte Academy Trust has adopted the PACT HR recommended model procedures as agreed by Trade Unions

Reviewed By	Approved By	Date of Approval	Version Approved	Next Review Date
Working Party	JB	19 Nov 18		19 Nov 20
DH	JB	13 Jan 20		13 Jan 22
DH	SC	31 Jan 22		31 Jan 24
PactHR	Trustees	13 May 25		13 May 26

DOCUMENT DETAILS

Bronte Academy Trust has adopted the following PACT HR recommended model procedure as agreed by the following Trade Unions:

- Unison
- GMB
- NASUWT
- NEU
- NAHT

*ASCL recognises that meaningful consultation took place prior to the adoption and implementation of this policy.

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

SUMMARY OF KEY CHANGES

Reference to the impact of extraneous circumstances outside of the employer's control to the taking of leave added to 'Deciding on Leave of Absence Requests'.

CONTENTS

- 1 Policy Statement
 2. Procedure for Considering Requests for Planned Leave of Absence
 - Requesting Leave of Absence
 - Deciding on Leave of Absence Requests
 - Unpaid Leave
 - Unauthorised Leave of Absence
 3. 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)
 - Time Off for Job Hunting or to Arrange Training When Facing Redundancy (Employment Rights Act 1996)
 - Time Off for Trade Union Duties (Including Union Learning Representatives) and for Safety Representatives (Employment Act 2002)
 - Time Off for Occupational Pension Scheme Trustees and Directors of Trustee Companies (Employment Rights Act 1996)
 - Study Leave and Attendance for Examinations (Discretionary and Non-Discretionary) see relevant conditions of service
 - Severe Weather Conditions
 - Attendance at Court Proceedings
 - Jury Service
 - Witness Summonses and Subpoenas
 - Time off for Medical Appointments (see relevant conditions of service)
 - Time off for Dependants (Employment Rights Act 1996, as amended by the Employment Relations Act 1999)
 - Time off for Religious Observance (see also Teachers' Conditions of Service and Code of Practice on Religious and Cultural Needs 1996)
 - Bereavement Leave (see relevant Conditions of Service)
 - Time off to Visit Relatives Abroad – Extended Leave
 - Secondments, Extended Leave of Absence, Career Breaks and Extended Study Leave
 - Right to Request Training (Section 63D of the Employment Rights Act 1996)
- Appendix 1
- Leave of Absence Schedule (Teachers Pay and Conditions)
- Appendix 2
- Additions to the Leave of Absence Policy

1 POLICY STATEMENT

Bronte Academy Trust regards the excellent attendance of both pupils and staff as integral to the success of the Trust and recognises that the effectiveness of the Trust 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 Trust.

The Trust 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 / or professional reasons.

High levels of absence among teaching and support staff can pose a serious problem for the Trust, in terms of disruption to teaching programmes, pupils' learning and other areas of work. Absence of any staff employed 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 during term time 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 of statute, Appendix 1.

The Trust will observe the relevant conditions of service agreements and its statutory obligations regarding leave of absence.

2 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 Senior Leader, and should include the full reasons for the request, making it clear why the leave cannot be taken during a normal school closure period, and stating the dates and length of the period of leave of absence requested.

The same process will be used by the Senior Leader except that the request should be submitted to the CEO or Chair of Trustees for the CEO.

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 weeks' notice should be given for any requests for leave of absence for periods of up to five 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 for planning purposes.

Staff should not under any circumstances make arrangements (booking 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 pupils and the Trust
- Treating staff in a fair, reasonable and consistent way
- National and local terms and conditions of employment

The Senior Leader shall normally decide on requests for discretionary Leave of Absence on a paid or unpaid basis, having regard to the relevant conditions of service and this policy. In the case of extended leave and other exceptional circumstances a sub-committee of the Trust will make the decision.

The Senior Leader will approve all requests for non-discretionary absence (e.g. Jury Service, paternity leave etc) in accordance with legislative and conditions of service requirements, irrespective of the length of the absence. Where a non-discretionary absence amounts to more than five days the Senior Leader will inform the CEO of the length of the absence and the reason for it.

In the event of any extraneous circumstances impacting on either staff ability to take leave or to return to work as planned when the period of absence ends (e.g. travel restrictions, public health concerns), an agreeable resolution will ideally be identified prior to the leave due to be taken; however, if this is not possible, this will be done on the staff member's immediate return. The Trust will be mindful of the advice and guidance applicable at that time and retain their discretion to exercise their judgement appropriately.

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

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 (STPCD) 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, fit-notes etc). Where staff are absent without leave this will be dealt with in line with the Absence Without Leave Policy and Procedure.

3 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 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 two 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 Trust, leave may be granted at the AGC, discretion with or without pay.

For courses of training and study approved by the Trust, 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.

Severe Weather Conditions

There may be circumstances when the employee is unable to attend work due to severe weather, but the Trust remains open as usual. All reasonable efforts should be made to attend work. Alternative arrangements may be agreed with the Senior Leader, e.g. 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

Employees will continue to receive their normal pay whilst undertaking jury service but they must claim the allowance for loss of earnings to which they are entitled under the appropriate regulations currently in force. The amount of allowance received (less any personal expenses) will then be deducted from the employee's pay.

Witness Summonses and Subpoenas

Staff subject to a witness summons or 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, employees are expected to make appointments out of work 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 Senior Leader.

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 Business Partner 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 employee's spouse or civil partner
- The employee's parent
- The employee's child
- A person who lives in the employee's household excluding tenants, lodgers and employees

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 Senior Leader's discretion.

The regulations do not give the right to paid time off for dependants. However, Teachers' conditions of service provide up to two days' discretionary paid leave to care for members of the immediate family in 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 (Green / 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 (see appendix 2)

Time off for Religious Observance (see also Teachers' Conditions of Service and Code of Practice on Religious and Cultural Needs 1996)

The Trust follows the LA'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 their 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.

Staff requesting extended leave for Hajj or other substantial religious leave are encouraged to refer to the Equality, Diversity and Inclusion Policy.

Time off for Public Duties and Activities (Employment Rights Act 1996 and relevant Conditions of Service)

Subject to the needs of the Trust, 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-imbursment is available from the LA).

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 Senior Leader or Chair of Trustees, will not normally be refused without good reason.

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

Support staff are allowed up to five 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. In such circumstances, an employee may apply to take an extended period of leave. Any and all requests for leave whether paid or unpaid, will be considered, taking into account both the needs of the staff member and the needs of the Trust. 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 reused or the staff member asked to reconsider the period for which the 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 the Trust 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 in line with the Trust's Absence without Leave Policy.

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 Sub-Committee will consider the request taking into account any financial, organisational or educational effects on the Trust and the circumstances and reasons given by the individual.

The Trust 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.

Appendix 1

Leave of Absence Schedule (Teachers Pay and Conditions)

Teachers' Conditions of Service stipulate that leave will normally be granted in accordance with the following schedule per academic year. Discretion lies with the Trust except where it is indicated that the discretion resides with the Senior Leader.

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 the Trust (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 Senior Leader's recommendation	With pay And 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 their 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 Senior Leader	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 dependant / 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 a partner at the birth of their 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 Senior Leader	With pay

NOTES:

Definitions of "immediate family"

For the purpose of this scheme, "immediate family" shall include:

Wife	Father	Mother-in-law	Partner
Husband	Brother	Father-in-law	Stepfather
Son	Sister	Grandmother	Stepmother
Daughter	Guardian	Grandfather	Stepbrother
Mother	Ward	Grandchild	Stepsister
			Stepchildren

*EXCEPT for "Wedding of any member of immediate family" where immediate family does not include: Self, Grandparents, Parent in law and Grandchildren.

Appendix 2 – Brontë Academy Trust – Additions to the Policy

BRONTE ACADEMY TRUST

LEAVE OF ABSENCE AND TIME OFF WORK POLICY

March 24

Brontë Academy Trust has considered the updated PACT HR Staff Leave of Absence and Time off Work Policy, which has been agreed by the relevant Trade Unions.

Whilst we have adopted this policy and are unable to formally change it, we recognise that family circumstances differ greatly. In addition, we believe that all staff should be treated equally, regardless of position or status within the organisation.

Below are the sections from the policy we have questioned, along with our philosophy to ensure that work-life balance and fairness is our priority. Highlighted are the key points from the policy and our response to them.

Our philosophy in no way impacts detrimentally on the agreements made with the Trade unions; in fact, our philosophy impacts more favourably for all employees.

Please read the points below **in conjunction with the Policy** and seek clarification from the Leadership team, should this be required.

PARAGRAPH 2

Time off for Dependants (Employment Rights Act 1996, as amended by the Employment Relations Act 1999)

The Policy states that:

2.13 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 employee's spouse or civil partner
- the employee's parent
- the employee's child
- a person who lives in the employee's household excluding tenants, lodgers and employees

Brontë Academy Trust believes that:

Dependants in blended and different kinds of families may not be listed in the regulations. Please ensure you consult with the Leader in school should your dependent group/s not be listed in the regulations.

Please ensure the full paragraph around dependent leave, paid time allowed etc. is read in conjunction with our definition of a dependant.

The Policy states that:

2.17 The conditions of service (Green / 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.

Brontë Academy Trust believes that:

All staff should be treated equally and as such, paid time off for teaching staff in line with STPC is also applied to support staff. (2 days annually)

Appendix 2

(PLEASE NOTE: TEACHING STAFF ONLY)

Leave of Absence Schedule (Teachers Pay & Conditions)

The Policy states that:

3	Wedding of member of family (other than immediate family)	1 day	Without pay
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Brontë Academy Trust believes that:

As with Time off for Dependants (2.13) family membership is wide and varied and there could be a strong case for having paid time off. It is important to clarify this with your Headteacher and this will be dealt with individually.

The Policy States that:

8	Attendance at interviews – others	As necessary	Without pay
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Brontë Academy Trust believes that:

Even if teachers are applying for positions out of the education world, paid attendance at interviews should be permitted although there is an expectation for the member of staff to work with the leadership to ensure minimum disruption and minimum time out of school, as with any leave of absence.

The Policy states that:

18	Hospital attendance of self And	1 day And	With pay
	Of immediate member of family with the exception of grandparents and grandchildren	1 day	

Brontë Academy Trust believes that:

As with para 2.13, we recognise that some staff may be the next of kin and/or main carer for grandparents or grandchildren. If this is the case, please speak to your Headteacher.

The Policy states that:

20	Other urgent or private family business	Up to 1 day	Without pay
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Brontë Academy Trust believes that:

Other urgent or private family business is open to wide interpretation. We recognise that events happen in life which may require urgent attendance and we would wish to support you in this as much as possible without compromising pay. We ask that you work with the Headteacher to discuss how the absence can minimise disruption to school as much as possible and the necessity of absence during the whole or part of the school day

