



Staploe Education Trust

# Policy for Discretionary Leave of Absence

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## **1. Introduction**

- 1.1 The Trust recognises that the success of all of our schools depends upon the contribution of all staff and gives full acknowledgement that a fair and effective policy on discretionary leave of absence contributes to the maintenance of staff morale and thereby our success.
- 1.2 This policy sets out the discretionary leave of absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the Trust are the priority and therefore there will be times when the Headteacher or Operations Director has to refuse a request for leave. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy, the Headteacher or Operations Director has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
- 1.3 This policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency.
- 1.4 The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If you need clarification on whether the leave of absence that you want to take is statutory or discretionary then you must speak to your line manager in the first instance or the HR Department.
- 1.5 This policy does not cover leave which is included in any policies and/or procedures listed below:
  - Annual leave
  - Maternity/Paternity/Parental/Adoption leave
  - Flexible working
  - Sickness absence
  - Redundancy
  - Training and study leave
  - Trade Union and Facilities time
- 1.6 This policy applies to all teaching and associate staff. This policy is non-contractual and may be amended at any time.

## **2. Procedure and Decision Making**

- 2.1 Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher or Operations Director as soon as the need for the leave is known using the form at Appendix 1 and with at least a weeks' notice. Where the leave of absence request is made by the Headteacher/Operations Director/Executive Headteacher, the request should be made to the Executive Headteacher/Chair of the Trust as appropriate.

- 2.2 Requests for leave of absence and approval/refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements. Non-emergency leave of absence **must not** be taken unless and until it has been approved on the form at Appendix 1.
- 2.3 Where an **emergency** arises you must notify the Cover Co-ordinator (SVC/Trust) or the Headteacher (primaries) at the school by **telephoning the relevant school absence number before 07:30am/your start time and also confirm in writing/on the form** as soon as is reasonably practicable, giving the reason for the absence and how long you expect to be absent from work to deal personally with the emergency which cannot be dealt with by anyone else. Where you have been unable to complete the form while off, you will be required to retrospectively complete a leave of absence request form upon your return so that we receive full information of your absence.
- 2.4 A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service.

### 3. **Discretionary Leave of Absence**

- 3.1 Discretionary leave of absence is to be requested via the form at Appendix 1 and any time off within normal working hours/directed time/during scheduled training etc. must be authorised before being taken. Discretionary leave of absence can be paid or unpaid and will be the decision of the Headteacher or Operations Director. Depending on the type of discretionary leave then all effort must have been made to have scheduled any absence outside of working time/term time initially. Proof of any medical or other appointments may be required if asking for time off within working time/term time.
- 3.2 **Medical appointments**  
Upon production of a medical appointment letter/card/text message up to half a day (paid) leave may be granted to attend an appointment at hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with your line manager to agree a mutually convenient time so that the operational requirements of the school/Trust are met and then request leave from the Headteacher or Operations Director using the form at Appendix 1.

### 3.3 **Attendance in court as a witness**

If you are subpoenaed or summonsed to attend a Court (including an Employment Tribunal) as a witness and you are not representing the Trust then, on production of proof of required attendance you must request leave from the Headteacher or Operations Director using the form at Appendix 1 and you will be granted unpaid leave to attend. If you wish to attend Court as a witness on a voluntary basis then you should request leave of absence from the Headteacher or Operations Director as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case by case basis.

### 3.4 **Leave of absence for religious observance**

You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the appropriate school, Trust, pupils and surrounding circumstances. You should request time off at the beginning of the school year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

3.5 In the event that an individual wishes to appeal against the refusal of discretionary leave then they must explain their reasons (within 5 working days) to the decision maker, the matter will then be considered by the Executive Headteacher.

## 4. **Statutory Leave of Absence for Public Duties**

4.1 Employees are entitled to a reasonable amount of **unpaid** time off work by law to carry out certain public duties. Public duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School governor
- Lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody;
- Members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate;

- Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports; and
  - Independent prison monitors in Scotland appointed under section 7B(2) of the Prisons (Scotland) Act 1991.
- 4.2 As soon as you are aware that you will require time off for performance of a public service, you should request leave of absence from the Headteacher or Operations Director using the form at Appendix 1.
- 4.3 The Trust will agree to requests for **paid** time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy.
- 4.4 Each request for time off will be considered on its merits, in the circumstances in which it is made including:
- Whether the activity is reasonable in relation to your employment
  - How much time off is reasonably required for the duty in question
  - How much time off you have already taken for the public duty in question
  - How your absence will affect the appropriate school or the Trust

## **5. Jury Service**

- 5.1 You must inform your line manager and Headteacher or Operations Director as soon as you are summonsed for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange or cancel the dates of service.
- 5.2 Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.
- 5.3 Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice **MUST** be forwarded to the Payroll Manager within 3 days of your return to work.
- 5.4 Your salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An employee cannot be paid twice by the Court and the Trust for the same days.
- 5.5 Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your

line manager and the school or Trust regularly informed about how long you are likely to be away from work.

- 5.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

## 6. **Statutory Dependent Care Leave**

- 6.1 Employees have a right to take a reasonable amount of **unpaid** time off work when it is necessary to:

- (a) provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- (b) make longer-term care arrangements for a dependant who is ill or injured;
- (c) take action required in consequence of the death of a dependant;
- (d) deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or
- (e) deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

- 6.2 A **dependant** for the purposes of this paragraph 6.1 is:

- (a) an employee's spouse, civil partner, parent or child;
- (b) a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
- (c) anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

## 7. **Absence Due to COVID-19**

- 7.1 Any absence which results from a requirement to self-isolate during the COVID-19 pandemic will be dealt with separate to this policy.

