



The Robert Carre Trust

Leave of Absence Policy

Introduction

The Robert Carre Trust is a caring employer, which values the commitment of its staff. However, the school also has the responsibility to ensure 'Best Value' in terms of how the budget is allocated and distributed. The Trust has, therefore, decided to clarify issues relating to paid and unpaid leave of absence by formulating a policy which is based upon a model which has been the subject of extensive consultation with all recognised Trade Unions, and it is believed that this represents a reasonable and fair approach to such occasions.

The decision whether or not to grant leave of absence rests with the Board. The authority is delegated to the Executive Headteacher/ Head of School, including whether it should be with or without pay, staying within the relevant conditions of service and any statutory requirements. In the case of the Executive Headteacher, the authority rests with the Chairman of the Trust, and for the Head of School, with the Executive Headteacher.

Requests for time off should be made to the Executive Headteacher/ Head of School who will assess the reasonableness of any request in the light of the following factors:

- the purpose;
- the amount of time off requested;
- the number of occasions for which it is requested;
- any conditions attached to the granting of requests e.g. the advance warning required by the school, or the availability of other employees to cover the work being missed;
- how much time off the employee has had previously; and
- the operational impact of the absence.

The Trust is aware that all school employees are entitled to statutory time off for specific purposes. In addition, the Trust has allowed the Executive Headteacher/ Head of School discretion to use up to 3 days per annum per member of staff for leave of absence not covered by statutory provisions. The Executive Headteacher/ Head of School also has the discretion to determine whether the discretionary leave of absence will be with pay or not.

Leave of absence is not an entitlement to a number of days off a year.

The Trust accepts that there may always be exceptional reasons for extra time off, and will consider any requests from staff sympathetically.

This policy sets out the conditions on which time off may be granted with and without pay.

Conditions of Service

The conditions of service which refer to leave of absence for each category of staff are as follows:

Teachers – contained in the National and Local Schemes of Conditions of Service for Schoolteachers, School Teachers Pay and Conditions Document and Burgundy Book; copies of these are available in school.

RCT Leave of Absence Policy adopted 28 September 2020

Support Staff – contained in the National and Local Schemes of Conditions of Service for Local Government Employees.

Retention and data protection

Through the application of this policy, the Robert Carre Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulation ((EU) 2016/679) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998). Records will be kept in accordance with our Staff Privacy Notice, our Records Management Policy and in line with the requirements of the Data Protection Legislation.

This policy does not form any part of any employee's contract of employment and it may be amended at any time. The Trust may also vary this procedure, including any time limits as appropriate.

WITH PAY

1. Public duties

The Trust allows reasonable paid time off to staff to perform the following duties:

- Justices of the Peace;
- Jury Service;
- Members of local authority councils;
- Members of boards of prison visitors;
- Members of a police authority;
- Election duties;
- National Rivers Authority members;
- Health authority members;
- Attendance at court (following a subpoena or as a witness);
- Statutory tribunal, public committee or similar body when appointed or nominated by a Minister of State, the County Council or an association of which the County Council is a member
- Chairman of a Local Authority or Mayor;
- Environment Agency;
- Where requested to give their services voluntarily for activities in which their knowledge, skill, experience or judgement would be of particular value to the Country, community or organisation concerned; and
- Members of National Health Service trust.

Duties include attendance at meetings or any other occasion approved by the organisation for the purpose of discharging their duties.

2. Trade union duties

Trade union representatives recognised by the employer will be allowed 'reasonable' time off work with pay to carry out relevant duties, and to undergo training in respect of their trade union duties. The duties must be concerned either with negotiations for which the union is recognised by the employer, or duties sanctioned by the Trust or the Executive Headteacher/ Head of School acting on behalf of the Trust.

The Trust recognises the following issues as being relevant areas for which time off for negotiation/discussion will be granted:

- terms and conditions;
- engagement or termination;
- allocation of work;
- disciplinary and grievance matters;
- union membership;
- facilities for union officials; and
- negotiating machinery.

Although the time off is a right, the requests must be 'reasonable', and the Headteacher will view each request according to the individual circumstances.

3. Elected Employee Representative

An elected employee representative (whether a member of a trade union or not) will be allowed time off with pay to perform his/her function if there are proposed redundancies or transfer of undertakings.

4. Time Off to Attend Interviews

Leave of absence with pay will be granted for job interviews within the public sector.

Employees under notice of redundancy (with at least 2 years service) or 'At Risk' for another reason will be allowed paid time off to attend interviews (both internal and external) and to search for alternative employment. To qualify the employee must be under formal notice to terminate their employment.

5. Funerals

Close relative

One day's paid leave may be granted to attend the funeral of a close relative, or the close relative of the employee's spouse, civil partner or partner. If the employee is the sole member of the family responsible for making all the funeral arrangements, up to 5 days paid leave may be granted.

Other than close relative

Funerals for those other than the above will not normally be granted with pay, but the Executive Headteacher/ Head of School has the discretion to grant this with pay.

6. Time Off for Medical Screening

Necessary paid time off shall be granted to employees for the purposes of medical screening.

7. Hospital, Doctors and Dental Appointments

Employees should arrange Doctors/Dentists/Opticians visits to take place outside of normal working hours wherever possible. All staff are requested to keep these to an **absolute minimum**

– so, for instance, appointments for dental check-ups should not be made at times that cause cover requirements.

However, when unavoidable, employees will be allowed time off inside work time subject to the agreement of the Executive Headteacher/ Head of School. Requests will be considered on an individual basis.

Hospital appointments are considered authorised absence and time off will be paid. Employees should be able to provide their manager with proof of their appointment (e.g. an appointment card or a copy of the appointment letter) when requesting time off to attend hospital appointments. Where the appointment time is not at the beginning or the end of the working day, the expectation is that employees will return to work, where it is reasonable and practicable to do so.

8. Household Removals

One day's paid leave will be granted for the purpose of moving household effects. Such leave must be agreed with the Headteacher in advance. Only one application may be made within a 12 month period. Employees should arrange for this to take place outside of normal working hours, where possible.

9. Ante-natal care

A pregnant colleague who has made an appointment to receive ante-natal care on the advice of a registered medical practitioner, registered midwife or registered health worker, will be allowed to take time off to attend the session, provided that she produces evidence of the appointment and, except for the first appointment, produces a certificate stating that she is pregnant.

10. Paternity Leave

To qualify, the employee will have worked continuously for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child.

Paternity leave is available to employees who:

- have or expect to have responsibility for the child's upbringing;
- are the biological father of the child or the mother's husband or partner; and
- have worked continuously for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child.

Those who are eligible can choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).

Subject to qualifying conditions, Paternity Leave is a statutory right to enable the father of the baby, including adoptive fathers, or the mother's husband or partner, to have one or two consecutive weeks' leave within 56 days of the birth or, if the child is born early, between the birth or 56 days from the expected week of birth. An individual may take one or two weeks leave. If the two week option is chosen they must be consecutive weeks.

Employees may be entitled to Statutory Paternity Pay (SPP) which is paid at the same rate as Statutory Maternity Pay for the second week of the Paternity Leave. For the first week, the member of staff is on full pay.

11. Maternity Support Leave (Support Staff only)

Maternity Support Leave is a contractual right to a minimum entitlement of 5 days for the child's father or the partner or nominated carer of an expectant mother at or around the time of the birth.

The purpose of granting Maternity Support Leave is to meet the needs of employees in addressing commitments outside work. In most cases, such care and support would be provided by the father, however, the role may be fulfilled by a relative or someone who has a caring relationship with the mother and/or child and would normally be limited to one 5 day period in any 12 months.

All arrangements will need to be agreed between the member of staff and Headteacher with the individual expected to provide as much notice as possible prior to taking leave.

There is a form for Maternity Support applications and this needs to be countersigned by the mother nominating the member of staff as the “prime provider of care” and the Headteacher, and will form part of the record to be retained on the individual’s personal file.

12. Leave for Caring for Dependants and Emergencies

Leave with pay may be approved for those occasions when employees need time off for dependants for personal reasons, or to deal with an emergency. An emergency could be for any unexpected or sudden problems involving someone who depends upon another for help or care. The right to time off is to enable the employee to deal with the immediate emergency and to make necessary longer term arrangements. After the first day the leave will be unpaid, and this could be up to 3 days in total. However, if deemed appropriate, more time may be authorised, depending upon:

- The nature of the incident;
- The closeness of the relationship between the employee and the dependant;
- Circumstances, e.g. the extent to which anyone else is available to help.

Dependants are:

- Spouse, civil partner, child, step-child, or parent; step-parent, parent-in-law, brother, sister, step-brother, step-sister, brother-in-law, sister-in-law
- Someone who lives as part of the family, e.g. an uncle, grandparent;
- In cases of illness, injury, or where care arrangements break down, for example, a relative who lives nearby, or an elderly neighbour living alone who has an accident and the employee is closest to hand at the time. The Executive Headteacher/Head of School may exercise their discretion in relation to any other relative or close friend, depending on the circumstances.

NB Tenants, boarders, or someone who lives in the same household, e.g. live-in childcare, are not deemed to be dependants.

The number of days leave, and whether or not this will be paid or unpaid leave, is at the discretion of the Executive Headteacher/ Head of School who will consider each case and the appropriate circumstances. Normally the first day will be paid, and the additional days will be unpaid leave. Previous requests for leave for family/personal reasons may be taken into account when considering such requests. Requests which cumulatively amount to in excess of 3 days during any 12 month period may be referred to the Trust for a decision.

The above supplement the statutory right to reasonable unpaid time off for dependants for caring responsibilities or where arrangements for care unexpectedly break down.

13. Religious festivals

Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work may be granted up to 4 days leave

WITHOUT PAY

The Trust allows 'reasonable' time off without pay in the following circumstances.

Shared Parental Leave

Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share an allocation of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

To qualify, the mother or adopter must be entitled to some form of maternity or adoption entitlement, have given notice to curtail it and must share the main responsibility for caring for the child with the named partner. For a parent to be eligible to take Shared Parental Leave they must be an employee and they must pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.

- Continuity of employment test: the person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that Shared Parental Leave is to be taken.
- Employment and earnings test: the person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 week in 13 of the 66 weeks.

Where both parents satisfy these tests they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. The mother or adopter decides whether to keep taking their maternity or adoption entitlement or to use Shared Parental Leave. If they choose to use Shared Parental Leave, they can end their entitlement or give advance notice to curtail it. This advance notice means their partner could begin to take Shared Parental Leave while the mother or adopter is still on maternity or adoption leave.

Shared Parental Leave may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date. An employee is entitled to submit three separate notices to book leave. Leave must be taken in complete weeks and may be taken either in a continuous period, which an employer cannot refuse, or in a discontinuous period, which the employer can refuse.

1. Trade union activities

Members (and not just officials) of recognised trade unions are entitled to reasonable time off without pay during working hours to take part in union activities.

Union activities

The Trust recognises that the *Employment Rights Act 1996* did not specify what constitutes 'union activity', except to say that industrial action is not included.

Examples of trade union activities which are recognised by the school are:

- voting on industrial action;
- taking out a grievance according to the school's procedures;
- membership of an employment tribunal;
- taking part in a union conference; or
- taking part in a union election.

- Meeting full time officers to discuss issues relating to the workplace
- Branch/area/regional meetings of the union
- Meetings of official policy making bodies.

DISCRETIONARY

The Executive Headteacher/ Head of School has the discretion to grant occasional day's leave of absence for purposes not specified elsewhere in this policy. Examples might be:

- playing representative sport;
- participating in Military Reservist activities;
- to attend degree ceremonies involving close relatives, and award ceremonies such as passing out parades;
- educational courses run by professional associations;
- participating in other service or charity events;
- attending events connected with children;
- persons appointed as examiners for University or similar examining bodies; and
- members of school, college or higher education corporation governing bodies.

The Executive Headteacher/ Head of School has the discretion to determine whether the leave should be with pay. Normally, time off for one school day or less will be with pay. Subsequent days, up to a limit of 3 days, will normally be without pay taking into account:

- how much time is required; and
- how much time off the employee has had previously.

When considering requests, the Executive Headteacher/ Head of School /~~Governing Body~~ will take into account:

- the school's capacity to absorb the absence;
- the current workload;
- availability of staff cover;
- disruption to other employees;
- the ability for the school to make up for the lost time; and
- the effect on the students.

If a staff member has absence from school that is not sickness related, previously agreed or does not fall elsewhere in the school's Leave of Absence policy then staff should not receive pay.

This does not apply to planned events such as domestic repairs, refurbishment, building work, installation of appliances, home deliveries, etc.

Emergency School Closures

There will be occasions when the Executive Headteacher/ Head of School, may have to consider closing a school. Schools in the Trust will make every effort to stay open, with normal programmes of work. Parents should be encouraged to send their children to school if they can do so safely. The presumption must be that the schools will be open unless information has been passed that they will be closed. Closure can be justified only in circumstances of exceptional difficulty.

It is assumed that everyone will accept that in grave emergencies all teaching and support staff should be prepared to remain in post and care for the children until their safe return home has been ensured.

In the event of school closure, all staff should be expected to be at work even if the school is closed for the students. The Executive Headteacher/ Head of School may need to make a risk assessment with regard to Health and Safety, judging whether staff attendance is appropriate, and may decide that staff should not come into school if the school is closed. If this is the case there should be an expectation that staff work from home. In the situation of adverse weather conditions and the school remains open, staff should try to get into work even if this means them being late. If staff have child care issues relating to their own children they should phone the school, make arrangements for child care and then come into work as soon as possible.

If any member of staff is having problems getting into school they should phone the Executive Headteacher/ Head of School who can decide whether or not the member of staff should work from home. Taking into account whether supply cover will be required, it may be that the Executive Headteacher/ Head of School agrees the employee has unpaid leave.

Complaints

Any colleague who is aggrieved by the decision of the Executive Headteacher/ Head of School can follow the Trust's normal grievance procedures.

Associated Policies

This policy should be read in conjunction with the Pay Policy and Sickness Absence Policy.

Adopted by the Board on 28 September 2010

Next Review Date: September 2022 (2 years)