



Drapers' Multi-Academy
Trust

Leave of Absence

Version 1

CONTENTS

	Page No
1. Introduction	4
2. Scope	4
3. General	4
4. Leave of Absence	5
5. Data Protection	6
6. Family Related Leave	6
6.1 Adoption Leave	6
6.2 Pre Adoption Leave	7
6.3 Ante Natal Care Appointments	7
6.4 Ante-Natal Care – Fathers to be / Partners / Nominated Carers	7
6.5 Parent Craft & Routine Antenatal Classes	7
6.6 Carers / Child Care / Dependants	8
6.7 Compassionate / Bereavement Leave	8
6.8 Graduation Ceremonies	9
6.9 Maternity Leave	9
6.10 Maternity Support Leave (support staff)	9
6.11 Maternity Support Leave (teaching staff)	9
6.12 Surrogacy	9
6.13 Parental Leave	10
6.14 Shared Parental Leave	10
6.15 Paternity Leave	11
6.16 Fertility Treatment	11
6.17 Domestic Leave	11
6.18 Elder Care	12
6.19 Foster Care	12
6.20 Illness / Injury of Family Members	12
7. Health Related Leave	13
7.1 Hospital / Emergency Doctor / Dentist Attendance	13
7.2 Medical Screening	13
7.3 Medical Appointments	13
7.4 Blood Donors	13
8. Public Service and Other Duties	14
8.1 Public Duties	14
8.2 Court / Tribunal Attendance	14
8.3 Jury Service	15
8.4 Elections	15

8.5 Trade Union Representative Duties / Activities	16
8.6 Staff Governors	16
8.7 Reservists – time off for training	17
9. Training/CPD Leave	18
9.1 Study and Examination Leave	18
9.2 Safety Representatives	18
10. Other Leave	19
10.1 Moving House	19
10.2 Job Seeking and Retraining in an Organisational Change / Redundancy Process	19
10.3 Recruitment & Selection	19
10.4 Public Examinations Duties	19
10.5 Religious Holidays / Observance	20
10.6 Special Paid Leave	20
10.7 Travel Disruption / Severe Weather	20
10.8 Holiday Requests During Term Time	21
10.9 Weddings in Term Time	21
Appendix 1: MAT Leave of Absence Request Form	22

1. INTRODUCTION

Drapers' Multi Academy Trust [the MAT] as the employer is responsible for setting the conditions of service of employees in the MAT. This procedure has been developed in order to promote a systematic, consistent and positive approach to the management of time off arrangements.

Although this procedure is intended to cover the majority of cases, occasionally some extensions beyond the Principal's delegated authority may be appropriate. In such cases the matter should be considered by the Chair of the Local Governing Body.

Principals must obtain approval from their Chair of Governors, or the Chief Executive Officer, before taking leave of absence.

Principals should bear in mind the need for consistency and fairness when making decisions about granting any leave, paid or unpaid. Reasonable notice should be given wherever possible when staff are requesting leave of absence.

This document will cover most generic, common types of leave but the examples given are not exhaustive. For requests in respect of other types of leave please contact the MAT's HR Manager for advice.

In circumstances that fall outside the scope of this document the Principal should seek advice from the MAT's HR Manager.

In all cases, where part time staff are concerned, leave will be granted on a pro-rata basis.

2. SCOPE

This policy relates to all MAT employees.

All requests for leave must follow this policy. All staff absence is closely monitored by the school.

3. GENERAL

Employees absent from school for any reason should be entered on the school's electronic recording system.

Requests from employees working less than 52 weeks (those contracts that are term time only) for time off to go on holiday in term time will not normally be granted.

For employees who work 52 weeks (full-time) all requests for annual leave should be made in accordance with school procedure and appropriate notice must be given.

4. LEAVE OF ABSENCE UNDER PRINCIPAL'S DELEGATED AUTHORITY

Principals have delegated authority to grant leave of absence requests. The Principal will, on receipt of a leave of absence request, consider the request in line with this leave of absence policy, the particular circumstances of the case and any operational requirements. They will also take into account any other relevant factors including:

- **how many previous requests have been made by the employee and for what reason;**
- **whether any previous requests for absence in the same circumstances have been approved, how many, for how long and whether the leave was paid or unpaid;**
- **how similar requests from other employees have been dealt with; and**
- **whether they are setting a precedent for how similar requests will be dealt with in future. A consistent approach should be maintained.**

The Absence Request (Appendix 1) form should be completed and signed and a copy of the form provided to the employee. If the request is not agreed the employee will be notified that they have the right to appeal against the decision to the Chair of the Governing Body. The request for leave of absence and a copy the decision will be placed on the employee's personal file.

Employees have a duty to attend school on any day when they are contracted to work and the school is open except where leave has been requested and agreed.

If an employee takes leave of absence without the prior consent of the Principal (or Chair of Governors in the case of the Principal), this will be classed as unauthorised absence and may warrant an investigation under the MAT's Disciplinary Policy. Such unauthorised leave will be unpaid.

A request form should be completed for all leave of absence requests. See Appendix 1 of this document.

5. DATA PROTECTION

The MAT will process any personal data in accordance with the MAT's Data Protection Policy and retention schedules.

6. FAMILY RELATED LEAVE

ADOPTION LEAVE

6.1 Subject to meeting the relevant qualifying conditions and notice requirements employees who have been newly matched with a child for adoption by an approved adoption agency and who will be the primary adopter are entitled to 26 weeks ordinary adoption leave followed by up to 26 weeks additional adoption leave. The secondary adopter may be entitled to paternity leave and/or shared parental leave.

The above could be paid or unpaid subject to qualifying conditions

The employer and employee can also agree to up to a maximum of 10 days paid 'keeping in touch' days during the period of adoption leave for the primary adopter.

Employees who are local authority foster parents and also approved as prospective adopters and who have a child placed with them in a "foster to adopt" situation will be entitled to adoption leave if they are the primary adopter.

Eligible employees may also be entitled to contractual adoption pay

Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation may be entitled to adoption leave (primary adopter) and/or paternity/shared parental leave (secondary adopter) subject to meeting the eligibility criteria.

Employment rights are protected while on Statutory Adoption Leave.

PRE ADOPTION LEAVE

6.2 Adopters have a statutory right to time to attend pre-adoption meetings. These meetings must be connected with the adoption process.

Up to 5 days paid leave for the Primary adopter. Up to 2 days unpaid leave for the Secondary adopter.

ANTE-NATAL CARE APPOINTMENTS

6.3 Time off shall be granted for the purpose of ante-natal care appointments. An appointment card or some other document showing the date of the appointment/s should be presented.

Reasonable time off with pay will be granted

ANTE-NATAL CARE – REQUESTS FOR TIME OFF MADE BY FATHERS TO BE / PARTNERS AND/OR NOMINATED CARERS

6.4 Time off shall be granted for the purpose of ante-natal care appointments. An appointment card or some other document showing the date of the appointment/s should be presented.

Up to two appointments not exceeding 6.5 hours per appointment - unpaid

PARENT CRAFT AND ROUTINE ANTENATAL CLASSES

6.5 Time off shall be granted for the purpose of ante-natal care appointments. An appointment card or some other document showing the date of the appointment/s should be presented.

Time off and pay are both discretionary

CARERS LEAVE / CHILD CARE / DEPENDANTS

- 6.6 Carers leave is applicable to employees with responsibilities for looking after dependants, close relatives, children or partners. The Employment Rights Act 1996 defines a dependant as: a spouse; a child; a parent; a person living in the same household [but not a lodger, tenant or employee].

The three main circumstances where carers leave may be granted are for: illness/accident/assault; breakdown of normal care arrangements; making arrangements for long term care, particularly with elderly relatives.

A period of up to 5 working days leave may be granted per year. If a longer period is envisaged, then the Principal or the Chair of Governors may grant an extension and this would normally be on an unpaid basis.

Up to 5 days leave with pay.

COMPASSIONATE / BEREAVEMENT LEAVE

- 6.7 Although a consistent approach should be taken, each case should be considered sympathetically and any individual circumstances taken into account. The following applies:

Up to 5 working days paid leave in respect of the death of a husband, wife, parent, partner or child.

Up to 5 working days paid leave where the employee is the sole executor of a deceased close relative as described in this paragraph.

Up to 4 working days paid leave for a guardian, brother or sister.

One working day paid leave for grandparent and any other close relative.

For funerals where there is no relationship and no exceptional circumstances – one working day without pay.

If the funeral necessitates a journey of over half a day, then additional time can be granted, but is discretionary.

GRADUATION CEREMONIES

- 6.8 Attendance at the graduation ceremony of the employee, their spouse, partner, son, daughter or parent.

Pay is discretionary

MATERNITY LEAVE

- 6.9 All pregnant employees are entitled to maternity leave as long as they fulfil the criteria in respect of continuous service with the MAT.

MATERNITY SUPPORT LEAVE (Support Staff)

- 6.10 Maternity support leave of 5 days shall be granted to the child's father or partner or nominated carer of an expectant mother at or around the time of birth.

Up to 5 days with pay

MATERNITY SUPPORT LEAVE (Teaching Staff)

- 6.11 Maternity support leave of 5 days shall be granted to the child's father or partner or nominated carer of an expectant mother at or around the time of birth.

Up to 5 days – pay is discretionary

SURROGACY

- 6.12 An employee acting as surrogate mother is entitled to maternity leave **subject to meeting the eligibility criteria.**

An employee taking parental responsibility for a child born by a surrogate is not entitled to maternity leave but may be entitled to adoption leave and/or shared parental leave **subject to meeting the eligibility criteria.**

Employees who are intended parents by virtue of a surrogacy arrangement are entitled to unpaid time off to attend **up to 2 ante-natal appointments of the surrogate not exceeding 6.5 hours per appointment (see ante-natal care above).**

PARENTAL LEAVE

- 6.13 Leave will be granted in accordance with current legislation (Terms and Conditions of Employment: The Maternity and Parental Leave etc. Regulations 1999). Parental leave is separate from maternity and/or paternity leave. Parental leave is unpaid leave. A minimum of 21 days written notice must be given to the school.

The right to parental leave entitles all eligible employees who have completed one year's qualifying service to take a period of unpaid leave to care for a child under 18 years of age. Parental leave is for parents, adoptive parents and guardians to care for their children. Parental leave must normally be taken in blocks of one week.

Statutory - 18 weeks in total for each eligible child – unpaid leave

SHARED PARENTAL LEAVE

- 6.14 Parents of children born or placed for adoption after 5th April 2015 may be eligible to take such leave, subject to meeting eligibility and notice requirements. This leave is available where the mother/primary adopter brings their maternity/adoption leave to an end early (at any point after the initial 2 week compulsory period of leave) and then parents decide how to apportion the remaining weeks of pay and leave between them.

This leave may only be taken during the year following birth/adoption placement.

PATERNITY LEAVE

- 6.15 Statutory Paternity Pay and Paternity Leave is available to eligible Employees subject to certain criteria. The provisions extend to an adoptive mother or the partner of an adoptive father, who may take paternity leave if the other partner chooses to take any entitlement under the statutory adoption leave provisions.

Additional Paternity Leave (only applicable for parents of children born or adopted on or before 4th April 2015 – parents of children born or adopted on or after 5th April 2015 may be eligible for Shared Parental Leave – see above).

Subject to meeting the relevant qualifying conditions and notice requirements employees are entitled to up to 26 weeks Statutory Additional Paternity Leave for a child born after 3 April 2011 if the partner has returned to work.

FERTILITY TREATMENT

- 6.16 The MAT will allow reasonable time-off for arrangements for employees undergoing fertility treatment. Absences for treatment will be treated in the same way as a hospital appointment.

A maximum of 5 working days leave per year may be granted for the purposes of preparing for or recovering from fertility treatment.

Pay is discretionary

- 6.17 Any further absences resulting from the treatment must be covered by making a request for unpaid leave.

DOMESTIC LEAVE

- 6.18 The Employee Rights Act 1996 provides for employees to take a reasonable amount of unpaid time off to deal with domestic incidents which do not fall into the Compassionate and Carers sections of this guidance.

Wherever possible appointments should be made outside working hours.

Each case will be judged on its own merits. Pay is discretionary

ELDER CARE

6.20 Requests for time off to deal with unexpected emergencies to care for an elderly person who is an immediate family member or other elder dependent cared for by the employee is covered under time off for Carers Leave.

See Carers Leave

FOSTER CARE

6.21 Requests for leave by foster carers to attend meetings and/or attend training commitments may be considered on a discretionary basis.

Pay is discretionary

ILLNESS OF FAMILY MEMBERS

6.22 Requests for leave due to the illness or injury of family members (outside the statutory right to reasonable unpaid time off to care for dependants) may be considered by the Principal, on a discretionary basis.

Pay is discretionary

7. HEALTH RELATED ISSUES

HOSPITAL AND EMERGENCY DOCTOR / DENTIST ATTENDANCE

- 7.1 Essential medical treatment and urgent dental work shall be recorded as medical appointments for administration purposes.

Such appointments should, where possible, should be taken during non-school time.

Appointments as necessary – with pay

MEDICAL SCREENING

- 7.2 Necessary time off shall be granted for the purposes of employees being screened - for example: breast / cervical / prostate / testicular cancer.

Appointments as necessary – with pay

MEDICAL APPOINTMENTS

- 7.3 Employees should arrange all routine medical appointments and treatments to take place outside the employee's normal working hours. If an emergency appointment or urgent treatment is required employees may request leave during the normal working day. See 7.1 above.

Time off and pay are discretionary

BLOOD DONORS

- 7.4 Employees can request reasonable time to attend clinic to donate blood.

Time off and pay are discretionary

8. PUBLIC SERVICE AND OTHER DUTIES

PUBLIC DUTIES

8.1 The Employment Rights Act 1996 requires that employees are permitted paid or unpaid time off to undertake specific public duties.

Legislation covers employees who are:

- Justices of the Peace
- Members of a local authority/local councillors
- Members of any statutory tribunal
- Members of a relevant health body/authority
- Members of a relevant education authority
- Members of a board of prison visitors or a prison visiting committee
- Members of the Teaching Regulation Agency
- Members of the Environment Agency

The amount of time off to be permitted should take into account the amount of leave required to perform the public duty and any specific occasions when such leave will be necessary. There is a statutory right to a reasonable amount of time off. This would need to be agreed with the employee and Principal beforehand.

Leave with Pay

Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the MAT.

COURT / TRIBUNAL ATTENDANCE

8.2 An employee may be asked to give evidence in legal proceedings, including courts, tribunals or coroners courts as a witness. Although the employee has no contractual right to be released for such a purpose, Principals must release the employee if the employee has been served with a witness summons/subpoena requiring them to attend court/tribunal as a witness.

Time off with pay will be granted, although a deduction of pay equivalent to any allowances paid by the Court will be made.

The Certificate of Loss of Earnings and copy of the summons should be forwarded to the MAT's payroll provider so that appropriate payroll arrangements may be made.

Cases where the appearance is as a defendant, plaintiff or voluntary witness will need to be considered on their individual merits.

JURY SERVICE

8.3 Upon receipt of a summons to attend Court as a juror, the employee should forward the certificate of Loss of Earnings and a copy of the summons to the Principal.

Time off with pay will be granted, although a deduction of pay equivalent to any allowances paid by the Court will be made. The Certificate of Loss of Earnings and copy of the summons should be forwarded to the MAT's payroll provider so that appropriate payroll arrangements may be made.

In the event of an employee being released for a whole day during the period of jury service, the expectation is that the employee must return to work if at all practicable. Should an employee be discharged from duty for the day, they will be expected to return to work, unless agreed otherwise with their line manager.

Principals, in completing the relevant sections of the Certificate of Loss of Earnings should consider this expectation in the context of the practicalities of travel from the Court to the school and any cover arrangements which will have been made prior to the employee commencing jury service. Employees should be made aware of the expectations of them in these circumstances.

Contractual - paid

ELECTIONS

Employees who are candidates at Parliamentary, European, Assembly or Local Authority can apply for a leave of absence.

Unpaid leave

TRADE UNION REPRESENTATIVE DUTIES

- 8.5 Trade Union representatives have a statutory right to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing so long as they have been certified by their union as being capable of acting as a worker's companion. The right to time off only applies where the person being accompanied is employed by the same employer as the certified companion.

With pay

Employees who are elected union representatives of an independent trade union recognised by their employer for collective bargaining purposes are entitled to reasonable time off during working hours to carry out certain trade union duties.

With pay

Duties are tasks undertaken by union representatives on behalf of the members, for example negotiating with the employer or organising elections. These duties must be on behalf of employees of the employer to be covered by the statutory right to paid time off.

With Pay

Where any requests are received which appear to be outside the scope described above, then advice should be sought from the MAT's HR Manager.

STAFF GOVERNORS

- 8.6 Where a Governing Body meets during the school day, leave of absence to attend the meeting shall be given.

The MAT will allow up to five working days paid leave absence in any 12 month period.

The above is to recognise the significant time commitment that can be required of governors.

Principals and Governing Bodies are encouraged to allow reasonable time off for staff governors to carry out their functions.

In taking decisions on this matter, it is anticipated that Principals and Governing Bodies will wish to acknowledge that to carry out effectively the duties of a governor can be onerous and that the provision of time off can facilitate the more effective functioning of a Governing Body for the benefit both of the school and pupils within it.

RESERVISTS – TIME OFF FOR TRAINING

- 8.7 Volunteer reservists (e.g. members of the Territorial Army) may request time off to carry out training. There is no statutory entitlement to time off for training.

Reservists who are mobilised must be given time off, unless their employer believes their absence would have a serious impact on the organisation. In these circumstances, employers have the right to seek exemption from it, or to defer or revoke the mobilisation.

Employers may be eligible to claim expenses in respect of additional costs incurred whilst replacing a reservist. Employers may also be able to receive an additional payment per month for each full month a reservist is absent from work.

Time off and pay are discretionary

9. TRAINING / CPD LEAVE

STUDY LEAVE AND EXAMINATIONS

91. When an employee has informed the Principal of his/her intention to undertake a part-time course of study relating to the improvement of his/her own employment which lasts for a year or more, whether or not funded in full or in part by the MAT.

Approved leave may be taken at any time during the course subject to the requirements of the school. Employees will be required to give reasonable notice of their intention to seek study leave.

Study leave would not normally be appropriate where the Open University's study requirement is less than 80 hours.

Study leave for part time staff will be on a pro-rata basis.

Pay is discretionary

Leave of absence for examination days only may be granted in respect of other public examinations at the discretion of the Principal.

Pay is discretionary

SAFETY REPRESENTATIVES AND SAFETY COURSES

- 9.2 Reasonable time off will be allowed for recognised safety representatives to carry out their function and for attendance at safety courses in accordance with the Health and Safety at Work etc. Act 1974 and its associated provisions and the Safety Representatives and Safety Committee Regulations 1977.

Pay is discretionary

10. OTHER LEAVE

MOVING HOUSE

- 10.1 Employees should make every effort to move house outside of normal working hours. Where this is not possible, the case will be looked at sympathetically.

Time off and pay are discretionary

JOB SEEKING AND RETRAINING IN AN ORGANISATIONAL CHANGE / REDUNDANCY PROCESS

- 10.2 Employees will be allowed reasonable time to attend interviews and to engage training. This applies to those employees under notice of redundancy and have been employed continuously for 2 years or more.

Statutory with pay

RECRUITMENT AND SELECTION PROCESS

- 10.3 If an employee is not at risk of redundancy – see 10.2 – then leave will be considered on a discretionary basis.

Time off and pay are discretionary

PUBLIC EXAMINATION DUTIES

- 10.4 Prior agreement between the teacher and the Principal is required before a teacher enters into a separate contract with an Examination Board for examination responsibilities entailing time off from school.

Time off and pay are discretionary

RELIGIOUS HOLIDAYS / OBSERVANCE

10.5 The MAT recognises the importance of religious events and observance and will try and accommodate the needs of employees.

Time off and pay are discretionary

SPECIAL PAID LEAVE

10.6 There may be circumstances where it is appropriate to ask a member of staff to remain away from school, at the specific request of the school. This must be by agreement with the employee. There would normally be a letter detailing the conditions of such special leave.

With pay

TRAVEL/SEVERE WEATHER DISRUPTION

10.7 It is acknowledged that there may be circumstances (such as travel disruption [caused by, for example: snow, fog, natural disasters] where the absence may not be the fault of either the employee or the employer. In such cases governing bodies have the ultimate decision making responsibility. **A variety of paid and unpaid options may be considered where appropriate, for example, agreeing to staff taking annual leave, taking unpaid special leave or working flexibly to make up lost hours within an agreed period of time.** However if these are not agreed the default position is deduction of pay, which is lawful with or without employee consent.

Discretionary

If the Principal or the Chair of Governors decides to close the school to staff, e.g. on grounds of health and safety, this will not be classed as unauthorised absence.

HOLIDAY REQUESTS DURING TERM TIME

10.8 For those staff that work term time, such requests will not normally be granted. If an exception is made, then such leave will be without pay.

Without pay.

WEDDINGS / CIVIL PARTNERSHIP CEREMONIES IN TERM TIME

10.9 Own wedding/civil ceremony - **without pay.**

Employees in school are expected to arrange for their own wedding/civil ceremony to take place outside term time.

Close relative – **one working day without pay.**

Friend's wedding – **one working day without pay.**

11. APPEALS

11.1 Employees have the right to appeal if a request for a leave of absence is refused or against a refusal to approve paid leave (where the time off has been granted as unpaid leave). Appeals should be submitted within 5 working days of receiving the decision.

11.2 Such appeals submitted will be heard by the relevant school committee.

11.3 The employee and their chosen representative (normally a representative from a recognised trade union or work colleague) may attend any such appeal meeting to make representation.

11.4 The decision of the committee will be final.

**DRAPERS MULTI ACADEMY TRUST
LEAVE OF ABSENCE REQUEST FORM**

(to be submitted at least 10 days in advance of leave requested)

Name	
Position	
Department	

LEAVE OF ABSENCE REQUEST

I wish to apply for leave of absence **WITH/WITHOUT** (*delete as appropriate*) payment of salary.

Date(s) of leave requested: From.....To.....

Number of working days:

Time: From..... To..... (if less than one day)

Reason:

Please give details. If requesting time off for a routine appointment, please explain why this could not be arranged outside working hours.

.....

.....

.....

.....

Pension Scheme members only

Please note that if you take authorised unpaid leave, this will affect your pension contributions.

Signed:.....Date:.....

DECISION BY LINE MANAGER/PRINCIPAL

APPROVED	NOT APPROVED	WITH PAY	WITHOUT PAY
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Reason for decision:

.....

.....

.....

Signed:.....Date:.....

Return to employee Date:.....

Appeal

You have the right to appeal. See section 11 of the Leave of Absence Policy.