



**MANOR**  
MULTI ACADEMY TRUST

# Leave of Absence for reasons other than Sickness

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## **Leave of Absence for reasons other than Sickness**

### **Manor Multi Academy Trust**

Date adopted by the MAT	14.3.23
This policy is scheduled for review on	Annually

## **General Information**

### **Policy Statement**

It is in the interest of everyone that the Trust maximise attendance levels. Not only does absence impact upon teaching and learning within the Trust, in assessing an agreed absence the impact on the organisation should be considered. Although teachers and term time only staff are not entitled to take time off during the school term, the Trust Board understand that there may be occasions when employees unavoidably need to be absent from work. This policy therefore provides a protocol for treating requests for leave of absence in a fair and consistent manner.

The policy recognises:

- The statutory entitlements to unpaid time off to attend urgent matters related to dependants
- National and local agreements
- Best practice which seeks to maintain good working relationships between staff and school management
- The operational needs of the school

It is intended that this policy will provide a clear and workable framework to enable requests or leave of absence for staff working in the Trust to be to be reasonable and fairly handled. This policy recognises that the operational needs of the school are a clear priority in any decision making and there may be times when the Trust Board/Headteacher must refuse a request for leave.

It should be noted that there may be occasions when circumstances arise that are not identified within this policy. In such circumstances the decision regarding leave of absence remains within the discretion of the Trust Board. Each case will be judged on its own merits and circumstances. The granting of time off in one case will not necessarily set a precedent for other cases. It is recommended that in such circumstances the Trust Board will contact their HR provider for further advice.

On adopting this policy the Trust has taken into account the arrangements for short term cover for absent teachers and the Trust's commitment that teachers will only rarely be required to cover for absent colleagues.

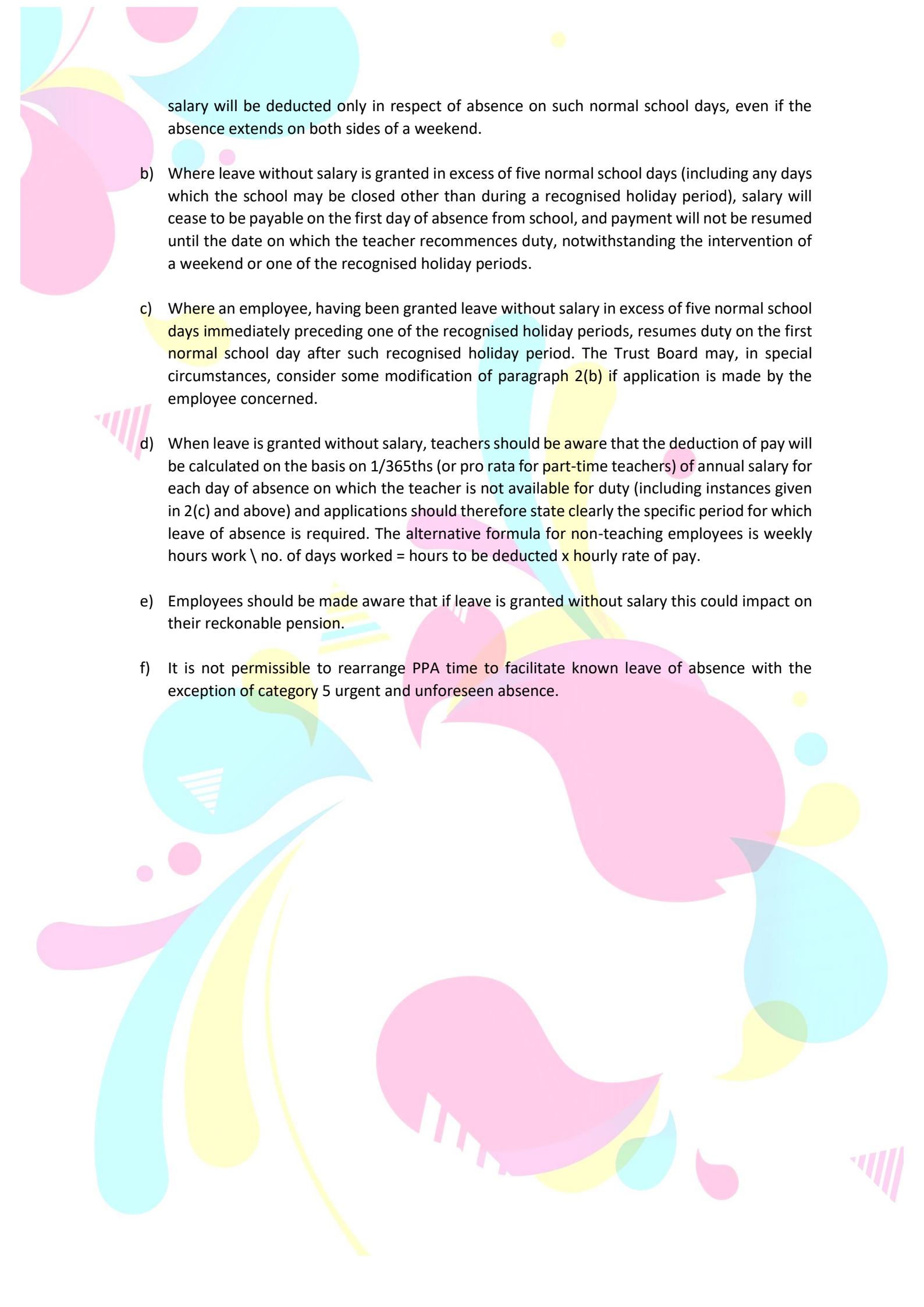
Care will be taken in applying this policy to ensure compliance with equality legislation and avoidance of potential discrimination.

Any suspected abuse of this policy by employee's will be dealt with under the Trust's Disciplinary Policy and Procedure.

A formal record of requests made, including the description of the circumstances and whether or not the request was granted should be kept on the employee's personnel file at the Trust. Where unpaid leave is granted, the Trust should inform the Payroll Provider to deduct the pay for the dates it is granted.

### **Deduction of Salary**

- a) Where the leave of absence without salary does not exceed five normal school days (including any days on which the school may be closed other than during a recognised holiday period)



salary will be deducted only in respect of absence on such normal school days, even if the absence extends on both sides of a weekend.

- b) Where leave without salary is granted in excess of five normal school days (including any days which the school may be closed other than during a recognised holiday period), salary will cease to be payable on the first day of absence from school, and payment will not be resumed until the date on which the teacher recommences duty, notwithstanding the intervention of a weekend or one of the recognised holiday periods.
- c) Where an employee, having been granted leave without salary in excess of five normal school days immediately preceding one of the recognised holiday periods, resumes duty on the first normal school day after such recognised holiday period. The Trust Board may, in special circumstances, consider some modification of paragraph 2(b) if application is made by the employee concerned.
- d) When leave is granted without salary, teachers should be aware that the deduction of pay will be calculated on the basis on 1/365ths (or pro rata for part-time teachers) of annual salary for each day of absence on which the teacher is not available for duty (including instances given in 2(c) and above) and applications should therefore state clearly the specific period for which leave of absence is required. The alternative formula for non-teaching employees is weekly hours work \ no. of days worked = hours to be deducted x hourly rate of pay.
- e) Employees should be made aware that if leave is granted without salary this could impact on their reckonable pension.
- f) It is not permissible to rearrange PPA time to facilitate known leave of absence with the exception of category 5 urgent and unforeseen absence.

## Categories of Absence

	Reason for Absence	Period of Absence (working days)	Salary
<b>Category 1 (Redundancy)</b>	<p>(i) All employees under notice of redundancy may take reasonable leave to attend selection interviews for jobs</p> <p>(ii) Where employees are applying for a post in the same school, Trust or other schools. Teachers/Non-teachers applying for leave of absence for this purpose may be required to provide evidence of the time and place of interview.</p>	As may be necessary	With salary
<b>Category 2 (All other applications)</b>	Interview for a post not covered by category 1.	As may be necessary	With salary
<b>Category 3</b>	Teaching employees undertaking professional duties in connection with external examinations may take leave under arrangements contained in Appendix 2 in the Burgundy Book.	As may be necessary	With salary
<b>Category 4</b>	<p>Weddings/Civil Partnership:</p> <p>Attendance at the wedding or civil partnership of the parent, brother, sister, child, grandchild ward or godchild.</p>	One day	With salary
<b>Category 5</b>	<p>Medical and other Appointments</p> <p>(i) <b>Routine Appointments</b> e.g. GP/Dentist Employees are normally expected to ensure that appointments for personal visits to the doctor, dentist, etc., are outside of their working hours.</p> <p>Where the appointment is not urgent, and where the time would negatively impact the work plans for their</p>	As may be necessary	Normally without salary

	<p>department/class, this should be re-arranged to a more suitable time and date wherever possible, i.e. outside of term time.</p> <p>(ii) <b>Medical/Hospital appointments where it is not possible to attend outside working hours</b></p> <p>In the event the employee has tried but cannot arrange an appointment outside working hours the following will apply:</p> <p>Employees must give at least 5 working days' notice</p> <p>Employees should make every effort that any time off causes as little disruption as possible, i.e., at the beginning or the end of the day, or a non-working day</p> <p>The school requests the right to see evidence of appointments, such as a letter or appointment card</p> <p>(iii) <b>Urgent appointments and for reasons that could not be foreseen</b></p> <p>Emergency treatment, specific and prescribed hospital appointments, health/preventative screening.</p> <p>(iv) <b>Appointments covered under the Equality Act 2010</b></p> <p>Wherever possible employees are expected to observe the requirements in clause (i)</p>	<p>As may be necessary</p> <p>As may be necessary</p> <p>As may be necessary</p>	<p>Normally with salary</p> <p>With salary</p> <p>With salary</p>
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	<p>(v) <b>Employees supporting dependants at medical appointments</b></p> <p>Employees must give at least 5 working days' notice and the school has the right to see evidence of appointments, such as a letter or appointment card.</p>	As may be necessary	Without salary
<b>Category 6</b>	<p>(i) <b>Family Bereavement</b></p> <p>In the event of a death of an established partner or immediate family member; the need to organise funeral arrangements; and/or travel and attend the funeral.</p> <p>Where circumstances may be unique and more challenging, a representative of the Trust Board should consider additional compassionate leave.</p> <p>(ii) <b>Parental Bereavement</b></p> <p>With effect from 6<sup>th</sup> April 2020, in addition to Family Bereavement Leave, parents or guardians/caregivers with parental responsibility, including long-term foster carers, are entitled to two week's leave if they lose a child under the age of 18, or have a stillbirth from the 24<sup>th</sup> week of pregnancy.</p>	<p>Not normally to exceed three working days (up to five days may be granted if necessary, according to circumstances).</p> <p>Anything above this would require Trust Board approval.</p> <p>Two weeks to be taken as either a single block or as two separate weeks. Can be taken at different times within 56 weeks following the child's death. The right to take this leave is irrespective of length of employment.</p>	<p>With salary</p> <p>Parents/Guardians with less than 26 weeks' continuous service – without salary</p> <p>Parents/Guardians with at least 26 weeks' continuous service and weekly average earnings over the</p>

			lower earning limit will be entitled to statutory bereavement pay (SPBP), or 90% of average weekly earnings if this is lower.
<b>Category 7</b>	Attendance at a funeral of a person other than a member of the employee's family.	Up to one day	Without salary
<b>Category 8</b>	<p>Time off for Dependants</p> <p>A dependant could be a spouse, established partner, child, parent, grandparent, brother, sister, or someone who depends on an employee for care.</p> <p>Employees have the right to a reasonable amount of time off during working hours for dependants, this time off is intended to deal with unforeseen matters and emergencies and would ordinarily last for one or two days, such as when a child minder is sick and there is no one else to look after the employee's child, and time is needed to make alternative arrangements or when an employee's partner, parent or child falls ill or is taken to hospital.</p> <p>Employees must follow the Trust's absence reporting procedures and indicate how long they expect to be absent.</p>	Usually one or two days, but this will depend on individual circumstances.	<p>Up to 5 days in the academic year – with salary</p> <p>Any longer will be without salary</p> <p>Anything for payment beyond the 5 days must be approved by the Trust Board.</p>



<b>Category 9</b>	Moving house	One day	With salary
<b>Category 10</b>	University Graduation or similar ceremony if the employer or any of the immediate family is receiving award.	One day	With salary
<b>Category 11</b>	Days of religious observance/attendance at religious ceremonies. For adherents of certain religions, attendance and specified religious ceremonies is major importance. At the commencement of the school year, the employee must demonstrate that attendance at specified ceremonies on the dates concerned is a vital part of his or her religious obligations. The Headteacher should consider the request sympathetically however employers are not legally required to grant requests for leave on religious grounds.	Normally not more than two working days in a school year.  Any longer period would require the approval of a representative of the Trust Board which may be without salary.	Normally without salary
<b>Category 12</b>	<p>Where an employee is called by the Trust to act as a witness on the Trust's behalf at an Employment Tribunal hearing or any court proceedings, the employee will continue to receive their full pay, as this will be deemed to be part of their normal duties. Attendance in court as a witness, if in a private capacity an employee is summonsed to appear as a witness in a third-party proceeding the appropriate time off will be granted with pay.</p> <p>Employees who are called for jury service will receive paid leave to attend, however, pay will be minus deductions of any allowances or loss of earnings claimed directly from the court. Further information on what can be claimed can be found at <a href="https://www.gov.uk/jury-service/what-you-can-claim">https://www.gov.uk/jury-service/what-you-can-claim</a> . It is expected that employees seek reimbursement for Her Majesty's Courts Service (HMCS) wherever possible. To do this the employee should:</p>	As may be necessary	<p>With salary (less any allowances in lieu of salary which the teacher is entitled to claim)</p> <p>Employees will continue to be paid as normal whilst on jury service, until reimbursement for loss of earnings is</p>

	<p>A) Send the Certificate of Loss of Earnings or Benefit they receive with their jury summons to the School Business Manager/Headteacher in the first instance</p> <p>B) Submit the Certificate to HMCS to receive reimbursement for loss of earnings</p> <p>C) Sent the reimbursement receipt they receive from HMCS to School Business Manager in the first instance.</p>		confirmed by the court
<b>Category 13</b>	<p>Study and Examination Leave (it is intended that this provision shall normally apply to staff who are pursuing a course of study). At the commencement of the school year, the employee must demonstrate with evidence that attendance at specified examinations on the dates concerned is a vital part of the employee's course of study</p> <p>(i) Leave of absence to staff for the period necessary for the purpose of sitting examinations</p> <p>(ii) Study leave revision</p>	<p>As may be necessary</p> <p>Up to the equivalent of three days in a school year</p>	<p>With salary</p> <p>With salary</p>
<b>Category 14</b>	<p>Right to time off for public duties</p> <p>Section 50 ERA states that: An employer shall permit an employee who is justice of the peace to take time off during the employee's working hours for the purpose of performing any of the duties of his office.</p> <p>An employer shall permit an employee who is a member of:</p> <p>a) A local authority b) A statutory tribunal</p>	<p>If you qualify, the time must be agreed with your employer beforehand, and your employer can refuse your request if it unreasonable. Whether time is classed as 'reasonable' will depend on how much time off the employee has already been permitted and the circumstances of the</p>	<p>Your employer does not necessarily have to pay you whilst you take your time off for public duties.</p> <p>Decision on pay will be made by the Trust Board.</p>

	<ul style="list-style-type: none"> <li>c) An independent monitoring board for a prison or a prison visiting committee</li> <li>d) A relevant health body</li> <li>e) A relevant education body or</li> <li>f) The environment Agency or the Scottish Environment Protection Agency or</li> <li>g) Scottish Water</li> </ul> <p>To take time off during the employee's working hours for the purpose of performing any of the duties of their office.</p>	<p>employer's business and the effect of the employee's absence on the running of that business.</p>	
<b>Category 15</b>	<p>(i) Annual Training for H.M. Forces Attendance at annual camp as volunteers, member of the Army Reserves of similar service organisations. Employees will be expected to take every effort to arrange such training to take place during school holiday periods.</p> <p>(ii) Mobilisation If a reservist is "called up", they must notify their manager as soon as possible. The reservist's Headteacher should also receive notification of the call up directly from the Ministry of Defence (MoD).</p> <p>Reservists may be mobilised on a voluntary or compulsory basis. In instances of voluntary mobilisation, the employer is required to give its consent before individuals can be released from their employment.</p>	<p>Not more than 10 days in a school year</p>	<p>With salary for one week: balance without pay</p>

	<p>Where call up is compulsory, employers cannot refuse permission but can apply for exemption or deferral. The reservist or the Trust can seek exemption or deferral, but this must be done within 7 days of the individual being served with a call up or recall notice. An application for exemption or deferral may be made on the basis that the Trust can show that the loss of the employee will cause serious harm to the business which could not be prevented by the financial assistance granted by the MoD. The Reserve Forces Appeal Tribunal will consider any appeals.</p> <p><b>Contract</b></p> <p>Where members of the reserve forces are deployed, the employee's role will be kept open for up to a year; pension and continuous service rights will be protected; the employee will not receive pay whilst mobilised; annual leave entitlement will continue to be accrued.</p>		<p>During the period of military service, the reservist will receive pay from the MoD to cover any shortfall in civilian earnings, not from the Trust.</p>
<b>Category 16</b>	<p>Expectant Father's Employee's with a pregnant partner/spouse will be entitled to time off to accompany the partner/spouse to ante natal appointments. Any further requests are at discretion of the Trust.</p>	<p>Two ante natal appointments</p>	<p>Without salary</p> <p>Anything paid must be approved by the Trust Board</p>
<b>Category 17</b>	<p>IVF Treatment – employers should treat medical appointments related to IVF treatment in the same way as other routine medical appointments (Category 6 clause (i)).</p> <p>Following implantation, pregnancy may or may not occur, but the</p>	<p>The Trust may agree to flexible working hours</p>	<p>Medical appointments without salary. However, a combination of paid and unpaid</p>

	<p>woman is considered to be pregnant from point of implantation. Employees should notify their employer once they have reached that stage. The pregnancy test is normally taken two weeks after implantation, if the treatment is successful then the maternity scheme will apply. If the treatment is unsuccessful, maternity scheme protection will end two weeks after pregnancy test.</p>		<p>leave may be granted.</p> <p>Any paid leave will need to be approved by the Trust Board.</p> <p>From the point of implantation, the Maternity Scheme rules will apply.</p>
<b>Category 18</b>	<p>Cosmetic or non-medically essential surgery</p>	<p>There is no statutory right to time off for cosmetic surgery or surgery that is not medically essential</p>	<p>Without salary</p>
<b>Category 19</b>	<p>Urgent and/or exceptional circumstances where the employee will not be employed elsewhere during the period for which leave is granted.</p>	<p>Up to forty school days</p>	<p>Normally without salary</p>