



# **Policy for Discretionary Leave of Absence**

**Reviewed by: Trustees**

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**Consulted with recognised trade unions on 4<sup>th</sup>  
December 2019**

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## **1. Terms of Reference**

- “Executive Headteacher” also refers to any other title used to identify the Executive Headteacher, where appropriate, or other senior manager delegated to deal with the matter by the Executive Headteacher.
- “Headteacher” also refers to any other title used to identify the Headteacher, where appropriate, or other senior member of the leadership team (SLT) delegated to deal with the matter by the Headteacher.
- “Companion” refers to a person chosen by the employee to accompany him/her at a formal meeting, who shall be a trade union representative or a workplace colleague. A companion is entitled to speak to the employee during any meeting, and confer privately, but may not answer questions on the employee’s behalf.
- “WNAT” refers to West Norfolk Academies Trust.

## **2. Introduction**

- 2.1** The Trustees recognise that the success of WNAT depends upon the contribution of all employees and gives full acknowledgement that a fair and effective policy on discretionary leave of absence contributes to the maintenance of employee morale and thereby our success.
- 2.2** 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 school are the priority and therefore there will be times when the Headteacher, or delegated member of SLT, 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 delegated member of SLT has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
- 2.3** 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.
- 2.4** The statutory 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.
- 2.5** This policy does not cover leave which is included in the policies and procedures listed below:
- Annual leave
  - Maternity/Paternity/Parental/Adoption leave
  - Flexible working
  - Sickness absence
  - Redundancy
  - Training and study leave
- 2.6** This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

### 3. Procedure and Decision Making

- 3.1** Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher, or delegated member of SLT, as soon as the need for the leave is known using the form at Appendix 1. Where the leave of absence request is made by the delegated member of SLT, the request should be made to the Headteacher. Where the leave of absence request is made by the Headteacher, the request should be made to the Chair of Trustees.
- 3.2** 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/student 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.
- 3.3** Where an emergency arises you must notify either the appropriate school Cover Manager if you are a member of teaching staff, or if you are a member of support staff by telephoning the relevant absence line 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.
- 3.4** Where a leave of absence request is refused there is right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision. The appeal will be considered by the Headteacher whose decision is final. Where the leave of absence request has been refused by the Headteacher, the appeal will be considered by the Executive Headteacher, whose decision is final. Where the leave of absence request has been refused by the Executive Headteacher, the appeal will be considered by the Chair of Trustees, whose decision is final.
- 3.5** 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.

### 4. Discretionary Leave of Absence

- 4.1** Examples of discretionary time off work that may be granted with pay:

Summary non exhaustive examples of leave normally granted with pay	Days per rolling 12 month period
<b>Compassionate leave</b> - illness or injury of a significant other person giving rise to serious domestic difficulties	Period reasonably necessary but not normally more than 3 days
<b>Bereavement leave</b> - death (including funeral) of a significant other person	Period reasonably necessary but not normally more than 5 days
<b>Moving house</b> where it cannot be arranged for a non-working time	1 day
<b>Personal events or emergencies</b> i.e. an event which, if response were to be delayed, would result in significant personal loss to the employee such as fire or flood	1 day
<b>Accepted impossible travel</b> because of weather or other public crisis	Period reasonably necessary, but not normally more than 2 days
<b>Interviews for jobs</b> in the education service (this limitation does not apply where the employee is redundant, or a fixed term contract is not renewed)	period reasonably necessary but not normally more than 3 days on each occasion

<b>Dependent care leave</b> - employees may only take paid time off to provide personal care for a dependent where there is an immediate crisis (There is a statutory right to take <b>unpaid</b> leave see 7.1 below)	In normal circumstances not more than 1 day on each occasion. Up to 3 days
<b>Representing the school in any capacity with approval</b>	Unlimited
<b>Induction visit</b> to new school	1 day (additional days will be considered if the receiving school undertakes to finance supply costs)

**4.2** Examples of discretionary leave that may be granted without pay:

<b>Summary non exhaustive examples of absence normally granted without pay</b>	<b>Days per rolling 12 month period - all employees</b>
Any personal reason other than those above which it was not possible to schedule for a non-working day, or time, or within annual leave, e.g. appointments of a non-routine nature at the dentists, opticians, doctors/medical services, or driving test, important one-off family occasions	Maximum of 3 days
Leave of absence for religious observance	Reasonable time off

**4.2.1** Medical appointments:

Upon production of a medical appointment letter/card up to half a day paid leave may be granted to attend an appointment at hospital (to include medical screening, blood donation and in vitro fertilization (IVF) 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 are met and then request leave from the Headteacher, or delegated member of SLT using the form at Appendix 1.

Employees should make best endeavours to schedule routine medical appointments e.g. dental check-ups on a non-working day, or time, or within annual leave.

**4.2.2** 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 WNAT or the school then, on production of proof of required attendance, you must request leave from the Headteacher, or delegated member of SLT, using the form at Appendix 1 and you will be granted leave to attend. You will continue to be paid at your normal rate of pay during time off for such duties, subject to the deduction of any payments received from the relevant authority in respect of the duties you perform. You are therefore required to declare all such earnings on completion of the duty in question. If you wish to attend Court as a witness on a voluntary basis then you should request leave of absence from the Headteacher, or delegated member of SLT 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.

#### **4.2.3 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 any relevant school in WNAT 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.

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

**5.1** 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

**5.2** 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 delegated member of SLT, using the form at Appendix 1.

**5.3** WNAT's schools 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.

**5.4** 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 WNAT, or the relevant school

### **6. Jury Service**

**6.1** You must inform the Headteacher, or delegated member of SLT, 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.

**6.2** 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.

- 6.3** 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.
- 6.4** 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 WNAT for the same days.
- 6.5** 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 regularly informed about how long you are likely to be away from work.
- 6.6** 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.

## **7. Statutory Dependent Care Leave**

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

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

**7.2** A dependent for the purposes of the paragraph 7.1 is:

- an employee's spouse, civil partner, parent or child (including stepchild);
- a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
- anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 7.1 above.



**Part 3**

**APPEAL AGAINST LEAVE OF ABSENCE DECISION**

If you wish to appeal against a refusal to grant discretionary leave of absence then you must explain your reasons below and return this form to the decision maker (normally the Associate Headteacher) within 5 days of the date of the decision as recorded above. Your appeal will be heard by the Headteacher (or in the case of the Headteacher by the Chair of Governors)

Signed:

Date: