



## Special Leave of Absence Policy

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**Good Practice**

*Sandra Fawcett*

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## Definitions

In this Special Leave of Absence Policy, unless the context otherwise requires, the following expressions shall have the following meanings:

- i **'The Romero Catholic Academy'** means the Company named at the beginning of this **Special Leave of Absence Policy** and includes all sites upon which the Company is undertaking, from time to time, being carried out. The Romero Catholic Academy includes; **Corpus Christi, Good Shepherd, Sacred Heart, Blue Sky, SS Peter and Paul, St Gregory, St John Fisher, St Patrick, Cardinal Wiseman, Shared Services Term.**
- ii **'Romero Catholic Academy'** means the Company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Company.
- iii **'Board'** means the board of Directors of the Romero Catholic Academy.
- iv **'Chair'** means the Chair of the Board or the Chair of the Local Academy Committee of the Academy appointed from time to time, as appropriate.
- v **'Clerk'** means the Clerk to the Board or the Clerk to the Local Academy Committee of the Academy appointed from time to time, as appropriate.
- vi **'Catholic Senior Executive Leader'** means the person responsible for performance of all Academies and Staff within the Multi Academy Company and is accountable to the Board of Directors.
- vii **'Companion'** means a willing work colleague (not family member) not involved in the substance of the employee's performance issues under review by this Appraisal Policy and Procedure, or an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this Disciplinary Policy and Procedure.
- viii **'Diocesan Schools Commission'** means the education service provided by the diocese, which may also be known, or referred to, as the Birmingham Diocesan Education Service.
- ix **'Local Academy Committee'** means the governing body of the School.
- x **'Academy Committee Representatives'** means the governors appointed and elected to the Local Academy Committee of the School, from time to time.
- xi **'Principal'** means the substantive Principal, who is the person with overall responsibility for the day to day management of the school.
- xii **'School'** means the school or college within The Romero Catholic Academy and includes all sites upon which the school undertaking is, from time to time, being carried out.
- xiii **'Shared Services Team'** means the staff who work in the central team across the Company (e.g. HR/ Finance)
- xiv **'Vice-Chair'** means the Vice-Chair of the Governing Body elected from time to time.

## 1. Introduction and Purpose

The Romero Catholic Academy, consists of seven Primary schools, one Secondary school a Teaching school and a Shared Service team and approximately 500 employees. The provisions outlined in this policy serve as a guide to the Principal, CSEL, the Local Academy Committee or School Improvement Board and Core Committee 2 in determining fair and reasonable practices for staff leave of absence. Leave of absence may be defined as leave given in addition to annual leave and may be paid or unpaid.

The policy aims to maintain consistent, positive practices to minimise the negative effects of absence on student learning and the imposition of increased pressure on colleagues. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.

The Romero Catholic Academy believes, as an organisation committed to providing equal opportunities for all, that it should support flexible working practices. It seeks to help employees balance the demands of domestic and work responsibilities, particularly at times of urgent and unforeseen need, providing paid or unpaid leave as appropriate.

Where possible, a flexible approach will be adopted to enable staff to meet these different needs. This will only be achieved if staff also recognise their responsibilities with regard to making reasonable adjustments to working hours and using annual leave where circumstances allow.

When considering requests for leave of absence which require discretion to be exercised, the Principal or Chair of the Local Academy Committee or Core Committee 2 should have regard to fairness and consistency within the context of:

- the operational needs of the school or Shared Services team
- the needs of the pupils of the school
- the individual needs of the person concerned
- the length of time requested the amount of notice given

## 2. Scope

This policy will be applied to all employees of the school.

The policy covers the provision of paid or unpaid leave requested under the following categories:

- Statutory Leave (eg paternity leave and parental leave)
- Leave for Public Duties (eg Local Academy Committee duties and jury service)
- Discretionary Leave (eg medical appointments, compassionate leave)

This policy does not cover periods of absence for sickness, maternity/shared parental leave or adoption leave. Separate procedures outline these provisions.

### 3. Decision Makers and Appeals

The table below sets out the persons to be appointed, where possible, throughout the stages of the Special Leave of Absence Request procedure depending on the person making the request.

<i>Employee Level</i>	<i>Person to notify in an emergency</i>	<i>Decision maker for upcoming requests</i>	<i>Appeal Manager</i>
Catholic Senior Executive Leader	Chair of the Board	Chair of the Board	Vice Chair to convene Appeal Panel from Board
Principal, ABD, Head of Finance and Head of HR	Catholic Senior Executive Leader	Catholic Senior Executive Leader	Local Academy Committee Appeal Panel appointed by the Chair of the Board
Senior leaders	Principal	Principal	Local Academy Committee Appeal Panel
Other Leadership Spine	Principal	Principal	Local Academy Committee Appeal Panel
Teachers	Principal	Principal	Local Academy Committee Appeal Panel
School Support Staff	Principal	Principal	Local Academy Committee Appeal Panel
Shared Services Team	Academy Business Director	Catholic Senior Executive Leader	Chair Core Committee 2 People Strategy and Organisation

The Line Manager or Principal will be informed of the emergency leave and is the person who will manage any contact and any requests for further time off. Each school, or HR Advisor (Shared Services Team) will be responsible for recording the absence, ensuring that the policy is fairly applied and for raising any concerns regarding multiple requests.

Any appeals arising from the decision in relation to leave should be made through the school's Grievance Procedure.

### 4. Making a Request for Leave

Requests for leave of absence should always be made in at least **7** days in advance and in writing. In the case of religious observance, the request should be made as far as possible in advance, with a minimum of a full-term being the expectation. Where the actual date is unknown (for example, the day on which Eid falls will depend on the lunar cycle and when the new moon is sighted) the employee is required to inform the Academy as soon as possible of the range of possible dates.

All staff should complete the Request for Absence Form and return to the appropriate person.

Procedures for reporting sickness absence are set out in the Attendance Management Policy.

### 5. Use of Annual Leave for Support Staff

Please see Annual Leave policy for guidance on support staff taking annual leave.

## 6. Teacher working time

A Teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days of which he/she may be required to teach students and perform other duties and 5 days must be days on which he/she may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

These provisions do not apply to Principals, Vice Principals, or teachers in receipt of an acting allowance for carrying out the duties of a Principal.

## 7. Discretionary Leave

The table attached in Appendix A details the amount of leave that there is the discretion to grant. There is no statutory right to have any special leave of absence (with the exception of Emergency leave for a Dependant which is detailed below) and the request can be turned down.

### 7.1 Reasonable Time Off For Dependants

Section 57a of the Employment Rights Act 1996 states that:

‘An employee is entitled to be permitted by their employer to take a reasonable amount of time off during the employee’s working hours in order to take action which is necessary’.

A dependant is defined as:

- Spouse
- Child,
- Parent,
- Person living in the same household (who is not a lodger or an employee e.g. a nanny)

The statutory right to reasonable time off for dependants is for such matters as illness, births, deaths, injuries, unexpected disruption of care arrangements or an unexpected incident involving a child at school.

It should only be used for emergency and unforeseen circumstances and it is not to be requested for regular or ongoing time off to care for dependants.

### 7.2 Close Family Members

Where the Policy and Procedure refers to a close family member, this is defined as:

- A parent,
- spouse
- common law partner
- sibling,
- child,
- grandparent,
- grandchild,
- parent-in-law,
- daughter or son-in-law.

### **7.3 Medical appointments**

Routine medical/dental appointments should be taken outside of school/working hours or on a non working day if possible. Recognising there is less flexibility for hospital/specialist appointments, paid leave of absence **may** be given should the appointment fall at a time when the individual would normally be working. This does not apply to medical appointments for treatment of children or other relatives.

An employee with a chronic health condition or a disability who requires regular specialist appointments may be asked to try to arrange these appointments at the start or end of the day to minimise the impact on the operational needs of the school.

### **7.4 Jury Service**

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to school's payroll team. The certificate will be completed and returned to the member of staff. The employee should then submit a loss of earnings claim to the court. Relevant absences will be reported to the school's payroll team by the line manager.

### **7.5 Leave for accredited representatives of recognised associations and unions**

The school recognises the legal requirement for employers to allow reasonable time off work for the elected representatives of recognised trade unions to carry out their duties. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work
- consultation on recruitment and selection policies, redundancy and dismissal arrangements
- meetings with school's Leadership Team on matters of joint concern
- representing a union member at grievance, capability or disciplinary interview
- attendance at relevant training courses organised by the trade union

The amount of time allowed will be in accordance to that which has been agreed by the Local Academy Committee and the Trade Unions.

### **7.6 Court proceedings not specifically covered by regulations (ie being called as a witness)**

Leave with pay for the necessary period of absence when such absence is unavoidable. Evidence of a court summons and of attendance must be provided.

## **8. Links to other policies**

This Special Leave of Absence Policy is linked to our;

- Annual Leave Policy
- Absence Management Policy

## **9. Monitoring and Review**

The Board of Directors delegate the implementation of this policy to the Academy Committee. This policy will be reviewed by CC2 Strategy, People and Organisational Development.

## Appendix A

### Discretion delegated to the Approver

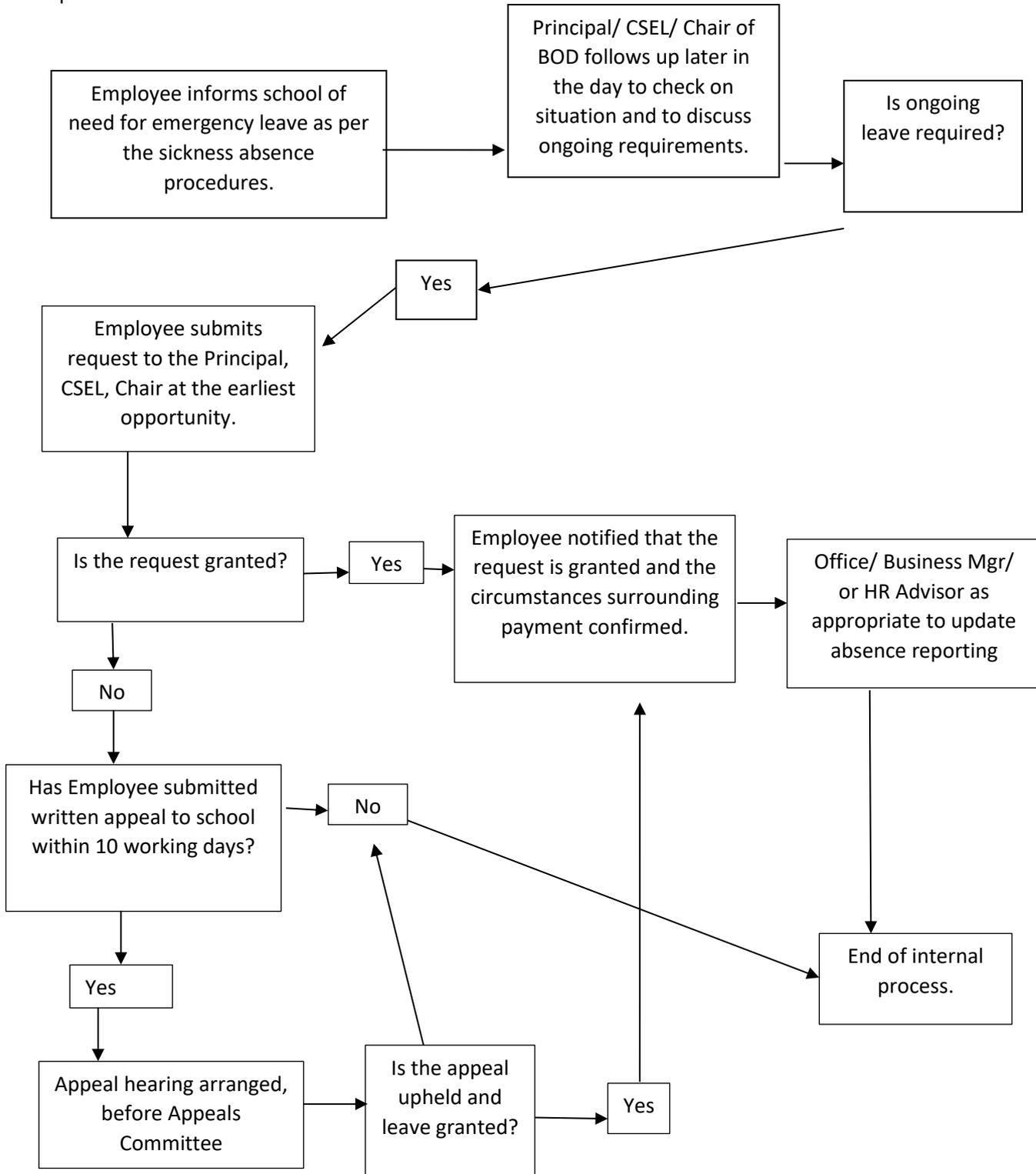
<b>Employee:</b>	<b>CSEL</b>	<b>Principal/ ABD/ Head of Finance HR</b>	<b>Teachers</b>	<b>Support staff School</b>	<b>Support staff Shared Services Team</b>
<b>Approver:</b>	Chair Board of Director	CSEL	Principal	Principal	ABD

Type of Leave	Maximum time at discretion of Manager	Paid/Unpaid	Comments
<b>Compassionate and Emergency Leave</b>			
Emergency and unforeseen Time required for a dependant (statutory right)	The time to manage the emergency	Paid	The employee must contact the Principal later in the day to provide an update on the emergency situation.
Time off for a sick dependant (not the emergency)	Up to 3 days per year <i>(this is pro-rot)</i>	Paid	The expectation is for employees to have plans in place for such circumstances
Death of a close family member	Up to 5 days including funeral	Paid	Refer to 7.2 for close family members.
Funeral of other relatives or equivalent	1 hour up to 1 day	Paid	At the discretion of Approver
<b>Medical Appointments</b>			
Consultant Appointments	The time for the appointment and reasonable travel	Paid	The appointment letter must be shared when making the request.  Part-time staff must try and have the appointment on a non-working day.
Routine dentist/GP appointments	Must be taken in own time	Unpaid	Must be taken in own time
Emergency dentist/GP appointments	The time for the appointment and reasonable travel	Paid	The employee must contact school following the reporting sickness absence procedures. The employee will be recorded as sick as they are not fit to be in school.

<b>Other Time</b>			
Moving House	1 day per academic year	Paid	The employee is expected to inform vendors and solicitors of a preferred date during school closure
Examination Leave	1 day per exam, plus 1 day revision	Paid	Where the course is approved by the school and is pertinent to CPD and future development.
Religious days of observance	Up to 2 days per year if the Religious day falls on a school day. (E.g. Eid, Diwali, Yom Kippur)	Paid	The employee must request the leave as early as possible and at least one term in advance.
Participation in sporting events such as Commonwealth games and Olympics.	Paid - Up to 3-days per year	Paid	The employee must request the leave as early as possible and at least one term in advance.
Chief Examiner/moderator Meetings	Up to 10-days per year	Paid – if Examining Board reimburse the school	
Assistant Examiner/moderator meetings	Up to 5-days per year	Paid – if Examining Board reimburse the school	
Interviews	Up to 3-days per year For members of SLT, in exceptional circumstances 4 <sup>th</sup> day may be granted.	Paid	Many Senior appointment processes are a minimum of 2-days which is why an extra day for SLT members is at the discretion of the school.
To stand as a candidate at Local Government election	1 day	Unpaid	
<b>Public Duties</b>			
School Governor role in or outside the Company	Up to 3-days per year	Paid	
Magistrate/Member of Public Body	Up to 10-days per year	Paid	
<b>Other Family Occasions</b>			
Occasions – there may be one off, significant events that employees may request absence, for example, University Graduation of immediate family or a child starting first day at Primary School. This is to be detailed on the form and each individual request would be considered accordingly (Appendix C)	As required	Paid or unpaid	This would be at the discretion of the Approver

## Appendix B

### Special Leave of Absence Flow Process Chart



## Appendix C

### Absence of Leave Form

To be completed by employee and signed off by appropriate person – the ‘Approver’

Requests for leave of absence should always be made in at least **7** days in advance and in writing. (Section 4 above)

Employee to complete:					
<b>Employee Name:</b>					
<b>School or Shared Services Team</b>					
<b>Date(s) of Absence requested:</b>					
<b>Reason for Absence</b> (Evidence attached if appropriate)					
<b>Time of Absence</b>					
<b>Return to Work Date</b>					
<b>Hours to be made up</b>					
Approver to complete:					
<b>Leave granted</b> <i>Completed by Approver:</i>			<b>Any relevant comments</b>		
Paid Leave Granted		<input type="checkbox"/>			
Unpaid Leave Granted		<input type="checkbox"/>			
Leave Not Authorised		<input type="checkbox"/>			
<b>Name</b> Authorised by Approver:					
<b>Signature</b> Authorised by Approver:					
<b>Comments</b>					
Recorded on Cintra			<input type="checkbox"/>		
	<b>CSEL</b>	<b>Principal/ ABD/ Head of Finance HR</b>	<b>Teachers</b>	<b>Support staff School</b>	<b>Support staff Shared Services Team</b>
<b>Approver</b>	Chair Board of Director	Principal	Principal	Principal	ABD