

# Special Leave of Absence Policy

Audience:	All REAch2 Employees
Ratified:	REAch2 HR Committee March 2021
Other related policies:	Managing Sickness Absence Policy
Policy owner:	Director of HR
Review frequency:	Every 2 years – March 2023

# Special Leave of Absence Policy



At REAch2, our actions and our intentions as school leaders are guided by our Touchstones.

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|-----------------------|---|
| <b>Integrity</b>      | We recognise that we lead by example and if we want children to grow up to behave appropriately and with integrity then we must model this behaviour            |
| <b>Responsibility</b> | We act judiciously with sensitivity and care. We don't make excuses, but mindfully answer for actions and continually seek to make improvements                 |
| <b>Inclusion</b>      | We acknowledge and celebrate that all people are different and can play a role in the REAch2 family whatever their background or learning style                 |
| <b>Enjoyment</b>      | Providing learning that is relevant, motivating and engaging releases a child's curiosity and fun, so that a task can be tackled and their goals achieved       |
| <b>Inspiration</b>    | Inspiration breathes life into our schools. Introducing children to influential experiences of people and place, motivates them to live their lives to the full |
| <b>Learning</b>       | Children and adults will flourish in their learning and through learning discover a future that is worth pursuing   |
| <b>Leadership</b>     | REAch2 aspires for high quality leadership by seeking out talent, developing potential and spotting the possible in people as well as the actual                |

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## Policy Overview

### 1. Overarching Principles

The Special Leave of Absence Policy has been developed to manage requests in a fair and consistent manner taking into account the educational, operational and budgetary needs of the school/Central Team.

Whilst staff will not unreasonably apply for discretionary time-off or leave of absence during term-time, there may be occasions when leave during term-time is unavoidable and this policy and procedure are designed to help with a consistent response to such requests.

Reference is made to all types of absence, including:

- Statutory entitlement - where there is a legal entitlement
- Discretionary – where there is no entitlement, but the line manager may agree to grant leave of absence after considering the circumstances.

### 2. Intended Impact

The aim of the policy is to enable managers to respond to requests for special leave in a fair and consistent manner and to provide clarity to all employees on what to expect.

### 3. Scope

This policy applies to all employees. It is non-contractual and may be amended at any time. Unless there are specified statutory qualifying periods, the leave outlined in this policy can be requested from the start of an employee's employment with REAch2.

This policy does not cover the following, for which separate arrangements apply:

- Annual leave: determined by relevant terms and conditions of employment,
- Flexible working arrangements,
- Sickness absence, or
- Leave associated with redundancy.

### 4. Roles and Responsibilities

#### 4.1 The role and responsibilities of the line manager

The line manager will be familiar with the provisions of the REAch2 Special Leave of Absence Policy.

All leave of absence requests will be considered and approved or refused in line with this policy in, and with due regard to:

- the nature of the request;
- any Statutory Entitlement obligations;
- educational provision;
- service needs;

- eligibility,
- any previous requests
- any flexibility that may have been afforded prior to this request, and
- current working arrangements.

Except in emergencies, on receiving a completed Leave of Absence Request Form from a member of staff, the line manager will complete the form and return it to the individual, explaining the reasons for the decision. If further information is required before a decision is made, the line manager will arrange a meeting with the employee as soon as is practicable and with due regard to the timing of the intended absence. They will discuss the circumstances of the request, gather all the necessary information and document the outcome of the meeting on the request form.

If authorised, the request form will be passed to the School Business Manager (for school staff) or the relevant administrator for processing.

The line manager will ensure that there are proper records of all requests for time off and that a copy is placed on the individual's personal file on each occasion. This will include retrospective consideration in cases of emergency.

#### **4.2 The role and responsibilities of the School Business Manager (SBM) or relevant administrator**

The SBM or relevant administrator will ensure that all requests are processed in a timely manner in line with policy and payroll guidelines. For Central Team staff, requests should be sent to the HR team for processing.

#### **4.3 The role and responsibilities of the Employee**

All employees should familiarise themselves with the provisions of the REAch2 Special Leave of Absence Policy.

Employees are expected to avoid requesting time off during term time where possible. This is because any absence from work may have an adverse effect on service delivery.

Unless there are exceptional circumstances preventing the employee from doing so, requests must be submitted at least one week in advance of the proposed date(s) of absence, using the Leave of Absence Request Form, in order to allow the line manager adequate time to consider it.

If an emergency arises and the employee is unable to request the leave of absence in advance, they must inform the line manager as soon as is practicable, by telephone if necessary.

On returning to work, the employee will need to account for the time off in the same way as they would normally have done, had the request been submitted in advance, in accordance with this policy.

## Policy in Detail

### **5. Unauthorised leave of absence**

If an individual decides to take discretionary time-off/leave which has not been authorised by the line manager, in the knowledge that this has not been approved, they may be subject to disciplinary action under REAch2's disciplinary procedures.

### **6. Examples of leave of absence**

The table at Appendix A lists the typical circumstances where requests for time off may be received, and sets out whether the absence is discretionary time-off or a statutory entitlement.

The examples given are non-exhaustive and where circumstances arise that are not identified in this policy, should be determined by the line manager who will:

- make the final decision on whether or not leave is granted, and
- whether it is with or without pay.

Otherwise, general advice can be sought from the HR team.

### **7. Review**

The school will monitor the granting of all discretionary leave in order to assist in a regular review of this REAch2 policy.

### **8. Equalities monitoring**

To ensure that we are meeting our public sector equality duty we will monitor annually the impact of this policy by reference to the protected characteristics of staff (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation).

## Policy Review

This policy will be reviewed by the REAch2 Academy Trust HR Committee board of Trustees every 2 years as per the REAch2 policy cycle or sooner if required.



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APPENDIX A: Examples of leave of absence – set out in alphabetical order.

Leave Type	Eligibility		Number of days leave	Definition guidance
	Leave Category	Pay Details		
<b>Adverse weather / severe conditions</b>	Discretionary  REAch2 granted leave.	Discretionary pay	Dependent on weather conditions but not usually more than 5 days.	<p>Employees have an obligation to present themselves for work each day at the times specified in their contracts of employment. During periods of severe inclement weather, if it is shown that the employee has made every effort to attend work but simply could not do so, including attending another appropriate establishment designated by REAch2 within reasonable travelling distance, the absence may be treated as paid leave.</p> <p>If, however, roads/public transport are available for use with only minimal disruption, and the employee still chooses not to attend work, the absence will be treated as unpaid.</p>
<b>Appointments</b>  Medical, dental and all health related  (refer to REAch2 Managing Sickness Absence Policy)	Discretionary  REAch2 granted leave.	Discretionary pay	Assessed on a case-by-case basis.	<p>Employees are normally expected to ensure that routine appointments with the doctor, dentist, hospital etc. are outside of contracted working hours. However, if this is not reasonably practicable, time off from work will be permitted to attend such appointments.</p> <p>Employees should ensure that any time off causes as little disruption as possible, i.e. the appointment is at the beginning or the end of the day. The line manager reserves the right to see evidence of such appointments, such as a letter or appointment card. Where the appointment is not urgent, and where the time would negatively impact on the employee's area of work, or that of team colleagues, the appointment should be re-arranged to a more suitable time and date wherever possible.</p> <p>Where the line manager considers an employee has taken an unreasonable amount of time off for this purpose, they reserve the right to withdraw payment for the absence, at their discretion and following consultation with the employee. Consideration will be given to the Equality Act 2010 and any Statutory Entitlement right to time off, in all instances.</p> <p>The absence will be recorded as sickness and the necessary self-certification form completed in the normal way.</p>



<b>Carers' additional leave</b>	Discretionary  REAch2 granted leave.	Unpaid	Assessed on a case-by-case basis	<p>Employees should make arrangements to enable them to attend work and to carry out their normal duties. In exceptional circumstances an employee may apply for leave in addition to paid annual leave (for non-teaching staff), to deal with childcare or other caring responsibilities, such as assisting a dependant during or after a stay in hospital, moving a dependant to residential or other form of care, helping a dependant through a medical procedure, etc.</p> <p>The granting of such leave is at the discretion of the line manager after taking account of the impact such leave might have on the employee, the dependant/s and the school.</p> <p>Also see elder care and time off for dependants.</p>
<b>Compassionate Leave</b>  <b>Ill-health / Death</b>  <i>(Immediate Family Member)</i>	Discretionary  REAch2 granted leave.	Normal pay	Up to 10 days depending on circumstances.	<p>Compassionate leave is normally intended for circumstances where there is sudden or serious illness, or death of an immediate family member or life partner (including same sex partners) to support with the grief and bereavement and to enable time to make any arrangements. A close family member usually includes: husband, wife, partner, parent, child and sibling.</p> <p>The leave will reflect what is required in the circumstances and will not necessarily always be 10 days. This time may be used in more than one absence. In exceptional circumstances additional leave may be approved but this will be on an unpaid basis.</p> <p>See also Bereavement / Time off to attend funerals.</p>
<b>Compassionate Leave</b>  <i>(Other Family Member)</i>  someone who: - is not immediate family	Discretionary  REAch2 granted leave.	Unpaid	Up to 1 day	<p>For example: grandparent, grandchild, step parent, step-child, half-sibling, parent in law, son/daughter-in-law, aunt, uncle, cousin.</p> <p>See also Bereavement / time off to attend funerals.</p> <p><i>These provisions are not meant to limit the manager's discretion as each request and leave will need to be judged on the circumstances of each case as family dynamics can vary from person to person and dependants will not always be an immediate family member. For example some people may have been raised by their grandparents, aunt/uncle, brother/sister or person/s outside their direct family circle. In such cases, it would be appropriate to grant more leave.</i></p>

<b>Court / Employment tribunal appearance</b>	Discretionary (Except where summoned)  REAch2 granted leave.	Discretionary pay	Assessed on a case-by-case basis	<p>Employees who are required to attend court as a witness, juror or because they are pursuing a claim, or are the subject of criminal proceedings must notify the school as soon as they receive the hearing date or the summons to be a witness.</p> <p>Employees may wish to contact the court/tribunal to ask if they may recover travel and expenses.</p> <p>See also Jury Service.</p>
<b>CPD/other training leave</b>	Discretionary  REAch2 granted leave.	Normal pay	Assessed on a case-by-case basis	<p>Training will generally only be approved by the line manager when it is essential for either CPD or to enhance capability to the advantage of the Trust. Training may need to be postponed when the needs of the Trust are such that time off on the dates allocated for the training are not feasible.</p> <p>See also Time off to train.</p>
<b>Disability rehabilitation, assessment or treatment leave as a result of a disability</b>  <a href="#">(refer to REAch2 Managing Sickness Absence Policy)</a>	Discretionary	Normal pay	Assessed on a case-by-case basis	<p>The Equality Act 2010 identifies the provision of paid time off as a reasonable adjustment. It acknowledges that a disabled person may need to be absent from work for ‘rehabilitation, assessment or treatment’. There is no evidence that disabled people are more likely to be absent from work than other staff. However, in monitoring absence, due allowance should be made for absences related to a disability.</p> <p>Absences relating to <b>appointments</b> for rehabilitation, assessment or treatment of a disability should be recorded as disability leave. This is paid and does not affect sick pay entitlements. However, any other periods of absence related to a disability should be classified and recorded as sick leave.</p>
<b>Disability-related sickness absence</b>  <a href="#">(refer to REAch2 Managing Sickness Absence Policy)</a>	Discretionary	Normal pay  And/or  SSP in line with Sickness Entitlement	In line with the Managing Sickness Absence Policy.	<p>Disability related sickness absence is sickness absence related to an individual’s disability. For example: an episode or relapse of a disability related condition or time off for recuperation following a period of disability leave for treatment.</p> <p>Absences relating to appointments for rehabilitation, assessment or treatment of a disability should be recorded as disability leave. This is paid and does not affect sick pay entitlements. However, any other periods of absence related to a disability should be classified and recorded as sick leave.</p>

<b>Domestic crisis - urgent/unforeseen circumstances</b>	Discretionary REAch2 granted leave.	Discretionary pay	Assessed on a case-by-case basis.	Any urgent and unforeseen circumstances (e.g. house fire/burglary/flood) which require urgent attention by an employee and prevents an employee attending work. Reasonable time off will be allowed.
<b>Elder care</b>	<b>Statutory</b>	Discretionary pay	Assessed on a case-by-case basis.  Anytime off beyond immediate crisis is discretionary.	Requests for time off to deal with unexpected emergencies to care for an elderly person who is an immediate family member or other elder dependant cared for by the employee is covered under time off for dependants.  Note: Statutory right does not include a right to time off to provide care beyond a reasonable amount necessary to deal with the immediate crisis.  See also time off for dependants.
<b>Foster care</b>	Discretionary REAch2 granted leave.	Discretionary pay	Assessed on a case-by-case basis.	Requests for leave by foster carers to attend meetings and/or attend training commitments may be considered on a discretionary basis.
<b>Funerals / Bereavement</b>  (time off to attend)	Discretionary REAch2 granted leave.	Discretionary pay	1 day per request	Requests for time off to attend a funeral will be considered on a case-by-case basis.  Also read Compassionate Leave and Time off for Dependants Leave.
<b>Gender transition</b>	Discretionary  REAch2 granted leave.  Unless sick leave	Discretionary pay (provisions apply) and / or <b>Statutory Entitlement</b> Statutory Sick Pay (SSP)		Line managers should reasonably consider requests for unpaid leave, or annual leave, for these appointments, when it has not been possible for them to take place outside of work time. Time off for non-medical appointments, for example for electrolysis or speech therapy will not qualify for sick leave.  Time off for surgery and recuperation from surgery for gender reassignment will be recorded as sick leave. Other medical appointments relating to the process will be recorded as sick leave when it has not been possible to make them outside of working hours.  Any reasonable absence because of the effects of treatment for gender reassignment should not be taken into account for the purposes of action for unsatisfactory attendance.

<b>Governor at another school / Trustee</b>	Discretionary	Normal pay	1 day	Where attendance at such meetings cannot be arranged outside of the employee's usual working hours, one day in any academic year reasonable time off will be agreed by the line manager.
<b>Graduation</b> (University/College for a child/partner)	Discretionary REAch2 granted leave.	Discretionary pay	1 day	It is recognised that the employee will have no influence over the day when this will occur and that it will normally occur during term time. Requests for leave to attend the graduation ceremony of a child/partner will be considered on a discretionary basis.
<b>Holiday requests</b> (requests during term time)	Discretionary	Unpaid	Assessed on a case-by-case basis.	Requests by school-based staff for time off to go on holiday in term time will not normally be granted. Usually, save for exceptional circumstances, annual leave is deemed to be taken during the school closure periods and for the 52.14-week support staff it is normally expected that holiday will be taken during closure periods.
<b>House Move</b>	Discretionary REAch2 granted leave	Unpaid	1 day	Where possible, REAch2 prefers for a house move to be done out of work time, or within annual leave. However, we recognise that moving at the weekend is expensive and that the employee may be restricted with regards to the date.  Where it is not possible to use annual leave, 1 day's unpaid leave may be granted.
<b>Illness/injury of a family member</b> (outside of time off for dependants)	Discretionary REAch2 granted leave.	Discretionary pay	Assessed on a case-by-case basis.	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 line manager, on a discretionary basis.
<b>Interviews</b>	Discretionary REAch2 granted leave.	Normal pay	Up to 2 days/academic year	Any additional leave to attend interviews will be unpaid. Any decision will take account of the role being applied for and the likely impact that the absence will have on the Trust, considered on a case-by-case basis. Evidence may be requested of the invitation to interview.  Also see Job Seeking.
<b>Job seeking and retraining in a</b>	<b>Statutory</b> (reasonable time off)	Normal pay	Assessed on a case-by-case basis.	An employee who is under notice of redundancy (and who has been continuously employed for 2 years by the date their notice period ends) can request reasonable time off with pay to look for another job or to arrange training.

<b>redundancy situation</b>				Evidence may be requested of the invitation to interview. Note: there is a right to reasonable time off for interviews to staff at risk of redundancy. Also see Interviews.
<b>Jury Service</b>	<b>Statutory</b> (right to leave during jury service)	Normal pay for up to ten working days	Dependent on the case employee is assigned to.	All employees must be allowed to take time off for jury service. Employees are entitled to receive paid leave of absence for jury service. Evidence may be requested of the invitation to sit on a jury. Also see Court / Employment Tribunal appearance.
<b>Public Duties</b> (public bodies (service on) and public duties)	Discretionary	Normal Pay	Assessed on a case-by-case basis.	Section 50 of the Employment Rights Act 1996 provides for employees to be granted time off work to perform those public duties specified in the section. These are as follows: <ul style="list-style-type: none"> <li>• Justices of the Peace/Magistrates</li> <li>• Members of a local authority/local councillors</li> <li>• Members of a statutory tribunal e.g. employment tribunal</li> <li>• Members of a relevant health body/authority for example health trusts</li> <li>• Members of a relevant education authority for example governing Body (i.e. School Governor)</li> <li>• Members of the prison independent monitoring boards</li> <li>• Members of national College for Teaching and Learning</li> <li>• Members of the Environmental Agency</li> </ul> The amount of time that may be considered reasonable should be based on: <ul style="list-style-type: none"> <li>• How long the duties might take?</li> <li>• The amount of time the employee has already had off for public duties.</li> <li>• How the time off will affect the Trust.</li> </ul>
<b>Religious Observance</b>	Discretionary	Discretionary Pay	Assessed on a case-by-case basis.	REAch2 recognises the importance of religious observance and will attempt to accommodate the needs of the employee, including for example, time away from work during the day for prayer or to accommodate periods of fasting.

	REAch2 granted leave.			Employees whose religious duties are not covered by weekends or the current UK statutory bank holidays may request time off for religious festivals.
<b>Reserve Forces</b> (Royal Navy, Royal Marines, Army and Royal Auxiliary Air Force)	Discretionary  REAch2 granted leave.	Unpaid	Assessed on a case-by-case basis.	REAch2 is a Forces Friendly Employer.  It will be expected that reservists arrange training outside of term time. In exceptional circumstances the line manager may allow paid leave to attend annual training.
<b>Screening</b>  (refer to REAch2 Managing Sickness Absence Policy)	Discretionary  REAch2 granted leave.	Normal pay	1 appointment with scope to approve more on a case-by-case basis.	For routine screening (for example screening for cancer) employees should make all reasonable efforts to arrange appointments outside an employee's working time.  Where this is not possible, or where the screening is non—routine, leave of absence will be granted for the purpose of attending such appointments.
<b>Sporting and similar activities</b>	Discretionary  REAch2 granted leave.	Discretionary Pay	Assessed on a case-by-case basis.	Selection for representative sporting and similar activities may be seen as an honour for the Trust and highly motivational for students. The line manager should therefore consider sympathetically requests for paid leave of absence to participate in such events (e.g. at county or national level). However, extended absences (e.g. tours abroad) would require special consideration in each case.
<b>Strike Action</b> (time off)	<b>Statutory Entitlement</b>  (if process followed correctly)	Unpaid	Assessed on a case-by-case basis.	It is an individual's choice to join strike action, but a normal day's pay will be deducted for each day the strike action continues and the employee remains off work.
<b>Professional examinations</b>	Discretionary  REAch2 granted leave.	Discretionary Pay	Up to 2 days paid leave/academic year	Where the course of study has been approved, the line manager will allow time off as appropriate to enable the employee to take examinations. Only in exceptional circumstances, and agreed in advance, would time off be allowed for study leave.  The employee must notify the line manager as soon as possible of dates and reason for leave.

				See also time off to train.
<b>Surgery</b> (elective)	Discretionary  REAch2 granted leave.	Discretionary Pay	Assessed on a case-by-case basis.	Requests to attend medical appointments relating to elective surgery or to have time off to undergo elective surgery will be considered on a discretionary basis. Employees should make all reasonable efforts to arrange appointments outside of work.  Where surgery is not elective, contractual sick pay entitlement will be applied.  Also see Appointments.
<b>Time off to train</b>	Discretionary  REAch2 granted leave.	Discretionary pay	Dependent on the course being studied – assessed on a case-by-case basis.	Employees have the right to ask for time off to carry out training that will improve their performance at work. REAch2 do not have to pay for the training or study and this remains discretionary. However: <ul style="list-style-type: none"> <li>• employees must have worked for REAch2 for at least 26 weeks prior to requesting</li> <li>• any training must help employees to do their job</li> <li>• employees can submit one request in each academic year.</li> </ul> See also Study leave.
<b>Time off for dependants</b> (emergency leave)	<b>Statutory</b>	Discretionary pay	Right to apply for leave although granting of leave is discretionary and will be assessed on a case-by-case basis.	Employees have a statutory right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer-term arrangements. The emergency must involve a dependant of the employee.  A dependant is defined as the employee's parent, wife, husband or partner, child, or someone who lives as part of the family, but not the employee's tenant, lodger or boarder.  It also includes someone for whom the employee is the main carer. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.  Note: the statutory right does not include a right to time off to provide care beyond a reasonable amount necessary to deal with the immediate crisis  See also Elder care.

<b>Weddings and Christenings</b>  (family)	Discretionary  REAch2 granted leave.	Unpaid	1 day/academic year but will be reviewed under exceptional circumstances.	It is recognised that the employee may have no influence over the day when this event takes place and that it may take place on a working day.
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