



## Windsor Academy Trust

### **Discretionary Leave of Absence Policy**

<b>Responsible Committee:</b>	People and Culture Committee
<b>Date approved by the Committee</b>	08 February 2024
<b>Implementation Date:</b>	1 April 2024
<b>Next review date:</b>	September 2024

### **Appendices**

**Appendix 1** Application for Leave of Absence Form

## **1. Introduction**

- 1.1 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 Trust are the priority and therefore there will be times when requests for leave are refused. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy the Headteacher or Chief Executive has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
- 1.2 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 or there are circumstances where time off from work is requested for other reasons. (See examples at paragraph 3.1)
- 1.3 There is no automatic right for discretionary leave. Anyone found or reasonably suspected of abusing this provision, may be subject to disciplinary action.
- 1.4 This policy does not cover leave which is included in the policies and procedures listed below (available from the school office/HR):
  - Annual leave
  - Maternity/Paternity/Parental/adoption leave/Parental Bereavement Leave
  - Flexible working
  - Sickness absence
  - Redundancy
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation.
- 1.6 Definitions:

Chief Executive means the Chief Executive of WAT.

Headteacher refers to all or any of the Headteachers at all or any of the academies within WAT.

## **2. Procedure and Decision Making**

- 2.1 Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher (or nominated manager) as soon as the need for the leave is known using the form at Appendix 1. Requests from the Executive and Central Team and Headteachers must be made via the line manager, to the Chief Executive (or nominated person).
- 2.2 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 are already in place as part of current working arrangements.
- 2.3 Non-emergency leave of absence (examples in Section 3) must not be taken unless and until it has been approved on the form at Appendix 1.

- 2.4 Where an emergency arises, the employee must notify Mr Simpson, Headteacher at Colley Lane Primary Academy by telephone as soon as is reasonably practicable, giving the reason for the absence and how long it is expected the employee will be absent from work to deal personally with the emergency which cannot be dealt with by anyone else.
- 2.5 Where a leave of absence request is refused there is a right of appeal. Any appeal must be made in writing within 5 days of receipt of the leave of absence decision. The appeal will be considered by the Chief Executive (or nominated person) whose decision is final.

### 3. Discretionary Leave of Absence

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

Examples	Days per rolling 12 month period
<u>Compassionate / Bereavement leave</u> Serious illness/injury or death (including funeral) of significant other person (i.e. immediate family member)	Maximum of 5 days
<u>Moving house</u> Where it cannot be arranged for a non-working time	1 day
<u>Personal events or emergencies</u> 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
Interviews for jobs in the education sector	Maximum of 3 days
<u>Dependent care leave</u> Employers may only take time paid time off to provide personal care for a dependent where there is an immediate crisis (see 6.1)	1 day on each occasion, up to a maximum of 3 days

- 3.2 Examples of discretionary leave that may be granted without pay:

Examples	Days per rolling 12 month period
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<p><u>Unpaid carers leave</u> Unpaid carers will be entitled to a statutory leave entitlement of up to 5 working days (see 6.2 for a statutory right to take unpaid leave)</p>	<p>Up to 5 working days every 12 months  (The required notice period to request leave is either twice as many days as the period of leave required, or three days, whichever is the greater).</p>
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<p>Any personal reason other than those above which it was not possible to schedule for a non-working day or time or with annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions.</p>	<p>Maximum of 3 days</p>
<p>Attendance as witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest not representing the academy</p>	<p>Period of attendance as necessary</p>
<p>Leave of absence for religious observance</p>	<p>Reasonable time off</p>

### 3.2.1 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 where it has proved impractical to attend outside normal working hours.

### 3.2.2 Attendance in court as a witness:

Upon production of proof of required attendance, leave must be requested on the leave of absence form and time will be granted as unpaid leave. If employees wish to attend Court on a voluntary basis, a decision will be made on a case by case basis.

### 3.2.3 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.

### 3.2.4 Leave of absence for volunteer leaders in military cadet organisations:

In accordance with the Armed Forces Charter, you may request unpaid time off to attend annual training camps, courses and other official activities. To apply for a leave of absence, use the form at Appendix 1.

3.2.5 Requests for time off will be considered sympathetically and on a case by case basis, taking

into account the needs of the Trust's pupils/students and surrounding circumstances. You should request time off at the beginning of the academic year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

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

- 4.1 Time, up to a maximum of 5 days (with pay) over an academic year is available for service on public bodies including Magistrates and School Governors.
- 4.2 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 the employee's employment
  - How much time off is reasonably required for the duty in question
  - How much time has already been taken for the public duty in question
  - How the employee's absence will affect the Trust
- 4.3 Where an employee wishes to become a member of a public body, agreement of the Headteacher or Chief Executive (for the Exec and Central team and Headteachers) must be sought before accepting the appointment.

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#### **5. Jury Service**

- 5.1 As soon as the employee is summoned for jury service, they must inform the Headteacher or Chief Executive and provide a copy of the Jury Service Summons and the accompanying Loss of Earnings form. Where in WAT's 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.
- 5.2 Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. WAT will make up the Loss of Earnings allowances to your normal level of earnings.
- 5.3 Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide remittance advice. This advice must be forwarded to the Finance Manager within 3 days of their return to work.
- 5.4 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 the Trust for the same days.
- 5.5 Where jury service lasts for less than half a day, the employee must return to work for the remainder of the day wherever practicable. The employee must keep their line manager informed of the likely duration they will be away from work.
- 5.6 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.

## 6. Dependent Care Leave

6.1 Employees can request time off for an emergency for a dependant 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)

6.2 Employees are entitled to take up to 5 working days unpaid statutory leave within any 12 month period to provide care for a dependent with long-term care needs.

6.3 A dependent for the purposes of paragraph 6.1 is:

- An employee's spouse, civil partner, parent or child;
- 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 6.1 above.

Windsor Academy Trust

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LEAVE OF ABSENCE REQUEST FORM

Part 1 Leave of absence request

Name: Job title:

Date/ time from:

Date/time to:

I have read and understood the discretionary leave policy. Please attach a copy of any relevant appointment card. Reason for request:

*I understand and accept that if leave of absence is granted without pay it will affect my pension entitlement.*

Signed

Date

Part 2 Leave of absence decision

Your request for leave is:

Approved with pay: Time to be made up: Yes / No

Approved without pay:

Not approved for the following reasons:

Operational difficulties in covering absence

Loss of entitlement/continuity of educational provision for pupils/students

Leave of absence limits already reached

The request is outside the policy framework

Other. Explanation of reason(s) for non-approval:

Signed:

Date:

Job title:  
Academy/Central Team

