



Symphony Learning  
TRUST

# Leave of Absence Guidance 2018-2021

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Adopted by Symphony Learning Trust	Summer 2018
Ratified by Trustees	20 <sup>th</sup> June 2018
Next Review Due	Summer 2021

## 1. Purpose

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This document provides detailed guidance to accompany the Leave of Absence Policy document and Reference Table.

## 2. What is included?

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This Leave of Absence policy and guidance does not apply to the following:

- Career Breaks or Sabbaticals
- Statutory Requests for Training & Study Leave (for employers with more than 250 employees)
- Parental Leave

## 3. Leave Year

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- 3.1 Leave of absence will normally be granted on the basis of an academic year
- 3.2 Leave granted for Part Time Staff will be pro rata.

## 1. Responsibilities of the Head teacher / Delegated Person

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- 4.1 In Symphony Learning Trust, the trustees have delegated the authority to grant leave of absence for all staff to the Executive head teacher, Head Teacher or Head of School.
- 4.2 Requests for leave from the Executive head teacher, Head Teacher or Head of School must be submitted to Chair of Trustees.
- 4.3 When a request for leave is received, the relevant manager must:
- Consider the request for leave in accordance with the provisions of this policy
  - Comply with any statutory provisions that may apply in relation to leave of absence
  - Balance the request for leave with the operational needs of the School ensuring that granting the leave of absence would not have a detrimental impact on the school or cause unnecessary disruption to other employees.

- Ensure that any decision does not set a precedent for dealing with similar requests in the future.
- Ensure that all decisions to grant / reject requests for leave are done so in a fair and equitable way.

4.4 All requests for leave should be recorded and requests monitored for the purposes of reporting back to the school's Local Governing Body and Board of Trustees to ensure fairness and consistency of application of the policy.

## 5. How to Request Leave

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5.1 An employee wishing to request leave of absence must:

- Complete the Leave Request Form (Appendix B) and submit it well in advance of the proposed leave dates being requested to the Executive head teacher, Head Teacher or Head of School.
- Employees must provide as much notice as possible, stating the reason for the request and date(s) the leave is required to and from. Agreement should be reached before the employee takes the leave.
- Apply for retrospective leave of absence in emergency situations, where it is not possible to submit the Leave Request Form in advance.

5.2. Where a request for leave is declined there will be no right of appeal. Employees may raise a grievance if they do not agree with the Executive head teacher, Head Teacher or Head of School decision.

## 6. Unauthorised Leave

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6.1 If an employee has been refused a request for leave and the employee:

- (a) Advises that they will take the time off anyway, or
- (b) Is subsequently absent (for whatever reason) during the time they requested

leave, this will be classed as unauthorised leave. In such circumstances, the Executive head teacher, Head Teacher or Head of School. should write to the employee stating the following:

**6.3 Where the absence has not yet commenced, advise the employee:**

- To reconsider their intention to be absent.
- That if they do not attend work during the requested period, their absence would be classed as unauthorised and would be unpaid.

- The absence may be investigated in line with the Trust's disciplinary.

#### **6.4 Where an employee has taken leave without permission (except in cases where emergency leave is required), advise the employee:**

- That the leave request for (dates to and from) was legitimately declined
- The reasons why the request has been declined
- That they were therefore required to attend work as usual
- That failure to attend work during this time is classed as unauthorised absence and may be investigated in line with the Trust's disciplinary policy.

## **7. Emergency and Compassionate Leave**

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The law states that employees are entitled by law to take reasonable unpaid time off work to deal with unexpected or sudden emergencies involving dependents.

### **7.1 Emergency Leave:**

7.1.1 Such emergencies covered under this section include (but are not limited to):

- the death of a dependent or immediate family member,
- sudden illness, injury or assault of a dependent,
- sudden hospitalisation of a dependent.
- sudden disruption of childcare/dependents care arrangements.
- Personal emergency situations, including unforeseen domestic issues

### **7.2 Compassionate Leave**

7.2.1 Additional leave granted to allow the employee to deal with any on-going practicalities that require the employees personal may be taken using annual leave, working additional hours or taken as unpaid leave where possible. In cases of bereavement or extreme dependent care situation additional time off may be granted as compassionate leave.

7.2.2 It is appreciated that in such circumstances a request for emergency leave may initially have to be made by telephone and it may not be possible for the employee to do so straight away. However, the employee must inform the school of their circumstances as soon as practically possible.

7.2.3 Where the employee is not well enough to attend work following a bereavement, or other difficult personal situation that has occurred, for example due to the effects of stress, anxiety, or reactive depression, normal sickness reporting and certification procedures will apply.

7.2.4 Emergency or compassionate leave will not be granted to employees accompanying a spouse, partner or relative to a planned doctor's / hospital appointment, therefore alternative options, in line with this policy, will need to be considered.

**Appendix A outlines those individuals who would usually be deemed as close relatives or dependents.**

### **7.3 Welfare Counselling**

7.3.1 Employees who are experiencing extreme personal difficulties might find it beneficial to speak to someone independent about their situation. The County Council has its own confidential Employee Welfare Service which employees can access. Alternatively, employees may be referred for private counselling by their GP.

7.3.2 Appointments should normally be arranged within the employee's own time. However, where this may not be possible reasonable paid time off may be taken with the agreement of the Executive head teacher, Head Teacher or Head of School.

## **8. Medical & Welfare Appointments**

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8.1 It is expected that medical appointments, including visits to a doctor, dentist, optician, clinic or hospital (for employees and / or their dependents who need to be accompanied), will be arranged outside of working hours where practicable. Where this is not possible reference should be made to relevant section of the Leave of Absence table.

### **8.2 Fertility & IVF Treatment And Gender Re-Assignment**

8.2.1 Whilst there is no statutory right to time off for fertility treatment or other elective procedures, sympathetic consideration should be given to employees who require time off to attend medical appointments in relation in such circumstances, e.g. paid or unpaid leave or flexible working patterns may be considered.

8.2.2 If an employee anticipates that they will require time off work for an elective medical procedure or any medical appointments associated with it, they must discuss this with their manager. Given the sensitive nature of such situations each case will be considered on its own merits.

#### **IVF Treatment:**

8.2.3 Time off work required for or any medical appointments/treatment required in

related to IVF should be considered in line with any other medical appointments.

8.2.4 Where an employee is unable to work due to the effects of the treatment and they are subsequently signed off work by their GP, this should be recorded as sickness absence. It is important to note however, that certain protections may be afforded to employees who are in the latter stages of IVF treatment. Where implantation takes place, the employee will be considered to be pregnant. Where the process is unsuccessful the employee will be protected from discrimination for 2 weeks after being informed that the procedure was not successful.

The IVF process usually takes between 4 to 7 weeks for one cycle.

### 8.3 Gender Reassignment:

- 8.3.1 Employees who have commenced or completed procedure(s) to change their gender are protected from discrimination under the Equality Act 2010. Employees should discuss what time off is likely to be required with the Executive head teacher, Head Teacher or Head of School. Medical treatment relating to gender reassignment should be managed and recorded as time off in accordance with the Managing Attendance Policy.

8.2.2 Additional time off required to undergo non-medical treatments relating to gender reassignment should be agreed between the employee and Executive head teacher, Head Teacher or Head of School and should be taken as either unpaid leave or an agreement to rearrange working hours or to make up the time at a later date.

Advice should be sought from your school HR Adviser.

## 9. Domestic Reasons for Leave of Absence

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9.1 There may be occasions when employees require time off to deal with other domestic matters such as moving house, to attend a close relatives wedding or civil ceremony, or to attend a graduation ceremony.

9.2 Employees should normally make arrangements for such matters outside of their normal working day. Where this is not possible, leave of absence may be considered in line with the operational needs of the school.

### 9.3 Time off for Interviews (paid)

Reasonable time off with pay will be granted for employees to attend interviews for

other positions within the Trust. Time off for interviews with other employers should be taken as annual leave or unpaid leave if this is possible.

9.4 An employee who is under notice of redundancy has a statutory entitlement to a reasonable amount of paid time off to look for another job, to prepare for and attend interviews or to arrange training.

9.5 Other requests for leave of absence (for example to take holidays) during term times will only be considered in exceptional circumstances. Any leave granted will be unpaid.

## 10. Statutory Leave

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- 10.1 This section identifies circumstances where there is a statutory requirement to grant leave to an employee (for example for Jury Service, Magistrate Duties etc). Unless otherwise stated, whether the leave is paid or unpaid is at the discretion of the Governing Body/Board of Trustees. The amount of leave granted will be at the discretion of the Executive head teacher, Head Teacher or Head of School, taking into account:
  - How long the duties are likely to take
  - The amount of leave the employee has already have had for undertaking public service duties
  - How taking the time off will impact the school.

### 10.2 Time Off for Union Duties.

When deciding whether request for paid time off should be granted, consideration would need to be given as to their reasonableness, for example to ensure adequate cover for the provision of the service. Managers and unions should seek to agree a mutually convenient time which minimizes the impact on the school day.

Schools need to consider each application for time off on its own merits; they might also need to consider reasonableness of the request in relation to agreed time off already taken or in prospect.

## 11. Other Leave

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### 11.1 Religious Observance & Beliefs

Some religions require prayers at specific times of the day. Whilst employers are not required to provide a designated prayer room, Local Governors should endeavor to

make a quiet room or area available if at all practical. The Executive head teacher, Head Teacher or Head of School may discuss with the employee a suitable quiet area that might be used for this purpose and any conditions of use that may need to apply, e.g. time of use, changes of use if needed for other activities at other times of the day, and use by employees for non-religious purposes.

## **11.2 Adverse weather conditions.**

Employees must make reasonable attempts to get to work during adverse weather, such as heavy snowfall or flooding.

Employees arriving late will not lose pay, provided the Executive head teacher, Head Teacher or Head of School is satisfied that their arrival time is reasonable, taking account of:

- The distance the employee lives from their workplace;
- Method of transport (including public transport); and
- The prevailing weather conditions.

Alternatively, where attempts to get to work have been made unsuccessfully, the school will consider alternative options to unpaid leave, such as undertaking alternative duties, working from home or making the hours up at a different time.

There is no legal right for staff to be paid by an employer for travel delays (unless the travel itself is constituted as working time or in some situations where the employer provides the transport).

Where an employee has been informed that their child's school has closed due to extreme weather conditions this could be seen as an emergency situation and therefore the above provisions may be applicable (see emergency leave).

## **12. Pension Implications**

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12.1 When taking leave, especially where leave is unpaid, employees should seek advice and guidance from their relevant pensions' provider on how this may affect their pension contributions.

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It is difficult to define precisely **who constitutes a close family relative / dependent**, however, the school would consider that the following people would usual be considered as such for the purposes of this policy:

- Parent / Guardian
- Biological child/Adoptive child/Foster child/ Step child
- Spouse/civil partner/partner
- Brother/sister
- Grandparent
- Mother/Father in law
- Close friends or other family members living in your household as part of the family unit (excluding long term lodgers/visitors)
- Other individuals reliant on the employee for their care.



## Appendix B - Application for Leave of Absence

Section A (Application): To be completed by the employee and forwarded to

- Section B (authorisation) to be completed by Executive head teacher, Head Teacher or Head of School.

Employees should also check with Pensions whether periods of unpaid leave will effect pension contributions.

### Section A - To be completed by the employee (complete grey shaded sections):

<b>1. Personal Details</b>		
Employee Name:		
School / Location:		
Pension Scheme (Y/N):		
<b>2. Type of Leave requested</b>		
<b>3. Duration of leave requested</b>		
<b>From Date:</b>	<b>To Date:</b>	<b>Number of Days/ Hours Requested:</b>
<b>4. Explanation of Reason for Request</b>		
<b>5. Number of Days/Hours Leave already taken within the last 12 months, at the time of this application.</b>		
<b>Authorisation</b>		
<b>Signature:</b>		<b>Date:</b>
<b>Email:</b>		
<b>Telephone Number:</b>		

- **Section B - To be completed by the** Executive head teacher, Head Teacher or Head of School.:

<b>1. Employee Details</b>		
Name:		
School/ Location:		
Pension Scheme:		
<b>2. Leave Requested</b>		
<b>From Date:</b>	<b>To Date:</b>	<b>Number of Days/ Hours:</b>
<b>3. Leave Request</b>		
<b>Approved:</b>	<b>Not Approved:</b>	
<b>4. Leave to be Paid / Unpaid (tick)</b>	Paid	Unpaid
<b>5. Reason for Decision (including if declined or partially declined)<sup>1</sup>:</b>		
<b>6. Form authorised by:</b>		
<b>Print Name:</b>		<b>Date:</b>
<b>Signature:</b>		
<b>Email:</b>		
<b>Telephone No:</b>		

NB If agreement is reached that the employee uses annual or works flexibly to make up the hours this doesn't need to be recorded as PAID or UNPAID leave. However, the reason for reaching this agreement should be noted in the reason for decision at Section 6.