

# Eastwood Park Academy Trust

EPAT

Believe Succeed Together

## Leave of Absence Policy

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## 1.0 Leave of Absence

A request to be absent from work for a time-limited period.

Type of Leave of Absence	Description
<b>Statutory</b>	Where there is a legal entitlement.
<b>Contractual</b>	Where there is an entitlement as part of the employees' terms and conditions.
<b>Discretionary</b>	Where there is no entitlement, but the Principal may agree to grant leave after considering the circumstances.

## 2.0 Leave of Absence Request

Employers should discuss a proposed leave of absence with their line manager and then submit a request form (below) to the Principal, or in the case of the Principal, the CEO, or in the case of the CEO, the Chair of the Trust.



**Leave of Absence Request**

<b>Employee Name</b>
<b>Date(s) of Proposed Leave of Absence</b>
<b>Reason for Proposed Leave of Absence</b>
<b>Cover Implications</b>

A decision as to whether the request is granted, will depend on the following:

- Statutory and/or contractual provisions.
- The specific reason for absence.
- The length of absence.
- Operational pressures.
- The employee's absence record (including both approved leave of absence and sickness-absence).

If the request is successful, the employee should inform their line manager and the member of staff responsible for managing cover.

### **3.0 Notice of Leave of Absence**

Specific notice periods are mandatory for some types of leave e.g. maternity and paternity (refer to section 8.0). For all other leave, employees should provide as much notice as possible, and not less than one week, unless in emergency situations.

### **4.0 Pay**

The tables in section 8.0 provides details of whether the leave of absence is paid or unpaid. Where this is discretionary, the Principal, or CEO in the case of the Principal, or Chair of the Trust in the case of the CEO, will generally apply the precedent that has been set.

### **5.0 Unauthorised Leave of Absence**

Employees who take time off work without following the appropriate procedure for requesting leave of absence and/or who take time off without receiving appropriate approval, may be subject to disciplinary action in line with the Trust's Disciplinary Misconduct Policy. Employees who take unauthorised absence will not receive payment for such absence other than in exceptional circumstances.

### **6.0 Impact on Pension**

When a pension scheme member has authorised unpaid leave of absence, the period of any such leave will not count towards their pension.

Members of the Local Government Pension Scheme (LGPS) can buy back any period of authorised unpaid leave through an Additional Pension Contribution (APC) contract: [LGPS member site](#)

Members of the Teachers' Pension Scheme (TPS) can purchase additional pension subject to a minimum amount. Further information: [Working Life Teachers' Pensions](#)

### **7.0 Data Protection**

When an employee makes a request for leave of absence under this policy, the Trust will process any personal data collected (including written records of meetings held under this process) in accordance with its Data Protection Policy. In particular, the Trust will only record personal information required to deal with the employee's request for leave of absence and keep this information only for as long as necessary to deal with the request. Data collected as part of a leave of absence request is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to leave of absence requests.

On the conclusion of the process, data collected will be held in accordance with the Trust's records Retention Policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's Disciplinary Misconduct Policy.

## 8.0 Types of Absence

Type	Details	Statutory or Discretionary Leave	Pay
<b>Family-Related</b>			
Adoption	<p>Subject to meeting the relevant qualifying conditions and notice requirements, employees who have been newly matched with a child for adoption by an approved adoption agency and who will be the primary adopter, are entitled to 26 weeks ordinary adoption leave followed by up to 26 weeks additional adoption leave. The secondary adopter may be entitled to paternity leave and/or shared parental leave.</p> <p>The employer and employee can also agree to up to a maximum of 10 KIT days during the period of adoption leave for the primary adopter.</p> <p>Employees who are LA foster parents, approved as prospective adopters and who have a child placed with them in a 'foster to adopt' situation, will be entitled to adoption leave if they are the primary adopter.</p> <p>Employees who intend to apply for a Parental Order and expect to become the child's legal parents in a surrogacy situation, may be entitled to adoption leave (primary adopter) and/or paternity/shared parental leave (secondary adopter) subject to meeting the eligibility criteria.</p>	Statutory. Mandatory requirements apply.	<p>Statutory - paid/unpaid subject to qualifying conditions.</p> <p>Eligible employees may also be entitled to contractual adoption pay.</p>
Pre-Adoption Meetings	<p>Adopters have a statutory right to time off to attend pre-adoption meetings. The purpose of the request for time off must be to meet with a child/children matched for adoption with the employee, or for another purpose connected to the adoption.</p> <p>The entitlement is to paid time off to attend up to five meetings for the 'primary' adopter. The 'secondary' adopter is entitled to unpaid time off to attend up to two meetings. Employees are encouraged to arrange appointments outside their working hours wherever possible.</p> <p>There is no statutory right to further pre-adoption leave but requests may be considered on a discretionary basis.</p>	Statutory – time off should not exceed 6.5 hours per appointment.	<p>Statutory - paid (primary adopter) Non-statutory - unpaid (secondary adopter).</p> <p>Discretionary if any further leave is approved.</p>

Type	Details	Statutory or Discretionary Leave	Pay
<b>Family-Related</b>			
Ante-Natal Care	All pregnant employees have a statutory right to reasonable paid time off work for ante-natal care but are encouraged to arrange appointments outside of their working hours wherever possible. Antenatal care may include relaxation and parent-craft classes if they have been recommended by a doctor or midwife.	Statutory – reasonable time off.	Statutory – paid.
	All employees in a qualifying relationship with a pregnant woman or her expected child (including spouse, civil partner and person in a long term relationship with the pregnant woman) are entitled to take time off during their working hours in order to accompany the woman to two ante-natal appointments. The appointments must be made on the advice of a registered medical practitioner, midwife or registered nurse.	Statutory – two appointments not exceeding 6.5 hours per appointment.	Statutory – unpaid.
	Employees who intend to apply for a Parental Order and expect to become the child's legal parents in a surrogacy situation, have the right to unpaid time off work to accompany the birth mother to up to two antenatal appointments.		Discretionary.
	Any time off requested to attend further ante-natal appointments will be at the discretion of the employer.		
Ante-Natal Classes	Requests to attend parent craft classes or routine antenatal classes which have not been specifically recommended by a doctor or midwife (see ante-natal care above) and which cannot be arranged for outside normal working hours may be considered at the discretion of the employer.	Discretionary.	Discretionary.
Bereavement	Parental Bereavement Leave with effect from 6 <sup>th</sup> April 2020 is available for eligible parents.	1-2 weeks within 56 weeks of child's death	Discretionary.
	Requests for time off due to bereavement and to attend a funeral in other circumstances will be considered on a discretionary basis.  NB: "time off in consequence of death of dependent" to make necessary arrangements is covered by time off for dependents leave.	Discretionary – one day.	
Childcare	Time off to set up alternative care arrangements when a child's normal carer is suddenly unable to provide care or when normal childcare arrangements are not available.	Statutory – reasonable time off to deal with an emergency (one day).	Discretionary.

Type	Details	Statutory or Discretionary Leave	Pay
<b>Family-Related</b>			
Dependents	<p>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 dependent of the employee.</p> <p>A dependant is defined as the employee's parent, wife, husband or partner, child, or someone who lives as part of the family, <i>but not the employee's tenant, lodger or boarder.</i></p> <p>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.</p>	Statutory – there is no set period, and the length of leave authorised will depend on individual circumstances and leave for this reason may be offered in addition to other discretionary leave.	Discretionary.
Domestic Crisis	In exceptional circumstances it may be necessary and unavoidable for an employee to request leave to deal with a domestic crisis (which may include serious damage or disruption to property).	Discretionary.	Discretionary.
Elder Care	Requests for time off to deal with unexpected emergencies to care for an elderly person who is an immediate family member or other elder dependent cared for by the employee is covered under time off for dependants.	Statutory – reasonable time off (up to two days).	Discretionary.
Fertility Treatment	Each request will be considered individually in the context of the particular circumstances.	Discretionary.	Discretionary.
Foster Care	<p>Requests for leave by foster carers to attend meetings and/or attend training commitments may be considered on a discretionary basis.</p> <p>Foster carers who are also approved as prospective adopters may be entitled to adoption leave (and to attend pre-adoption meetings), if they have a child placed with them in a “foster to adopt” situation and they will be the primary adopter.</p>	<p>Discretionary.</p> <p>Statutory – subject to meeting the qualifying conditions.</p>	<p>Discretionary.</p> <p>Statutory - paid/unpaid subject to qualifying conditions.</p>
Graduation	Requests for leave to attend the graduation ceremony of a child/partner will be considered on a discretionary basis	Discretionary - one day.	Discretionary.

Type	Details	Statutory or Discretionary Leave	Pay
<b>Family-Related</b>			
Illness of Family Member	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 on a discretionary basis.	Discretionary.	Discretionary.
Maternity Leave	Subject to meeting the relevant qualifying conditions and notice requirements, employees are entitled to 26 weeks ordinary maternity leave followed by up to 26 weeks additional maternity leave.  The employer and employee can also agree to up to a maximum of 10 days paid 'keeping in touch' days during the period of absence.	Statutory. Mandatory notice requirements apply.	Statutory - paid/unpaid subject to qualifying conditions  Eligible employees may also be entitled to contractual maternity pay.
Maternity Support Leave	There is no entitlement to maternity support leave for teaching staff and support staff not on LG conditions, although requests for leave from the child's father or partner or nominated carer of an expectant mother at or around the time of birth may be considered on a discretionary basis.  Maternity support leave of 5 days shall be granted to the child's father or partner or nominated carer of an expectant mother at or around the time of birth.	Discretionary.  Mandatory - 5 days	Discretionary.  Mandatory – paid.
Parental Leave	The right to parental leave entitles all eligible employees who have completed one year's qualifying service to take a period of unpaid leave to care for each child under 18 years of age. Parental leave is for parents, adoptive parents and guardians to care for their children. Parental leave must normally be taken in blocks of one week and a maximum of 4 weeks is permitted per year unless the employer agrees to more.	Statutory - 18 weeks in total for each eligible child. Mandatory notice requirements apply.	Statutory – unpaid.
Paternity Leave	Paternity leave is available to a person whose partner is having a baby, adopting a child or having a baby through a surrogacy arrange.	Statutory - up to 2 consecutive weeks leave for each pregnancy or adoption (regardless of number of babies born or children adopted.	Statutory - paid (2 weeks SPP or 1 <sup>st</sup> week full pay and 2 <sup>nd</sup> week SPP).



Type	Details	Statutory or Discretionary Leave	Pay
<b>Family-Related</b>			
Shared Parental Leave	<p>Subject to meeting relevant qualification criteria and notice requirements, those with shared responsibility for a child at birth or date of placement in the case of adoption may be eligible to take SPL. SPL is available where one partner is entitled to maternity/adoption leave and brings this to an end early. The remaining period can then be shared between the partners. SPL may only be taken during the year following birth/adoption placement.</p> <p><a href="https://www.gov.uk/shared-parental-leave-and-pay">https://www.gov.uk/shared-parental-leave-and-pay</a></p>	Statutory – maximum of 50 weeks’ leave (less any period of maternity/adoption leave already taken) may be used as shared parental leave, subject to meeting eligibility criteria.	Statutory - paid/unpaid subject to qualifying conditions.
Surrogacy	<p>An employee acting as surrogate mother is entitled to maternity leave subject to meeting the eligibility criteria.</p> <p>An employee taking parental responsibility for a child born by a surrogate is not entitled to maternity leave but may be entitled to adoption leave and/or shared parental leave subject to meeting the eligibility criteria.</p> <p>Employees who are intended parents by virtue of a surrogacy arrangement are entitled to unpaid time off to attend up to 2 ante-natal appointments of the surrogate not exceeding 6.5 hours per appointment (see ante-natal care above).</p>	Statutory-subject to meeting eligibility criteria.	Statutory - paid/unpaid subject to qualifying conditions.

Type	Details	Statutory or Discretionary Leave	Pay
<b>Health-Related Leave</b>			
Blood Donors	Subject to operational requirements, employees may request reasonable time off on a discretionary basis.	Discretionary.	Discretionary.
Cancer Screening	For routine cancer screening (e.g. cervical cancer screening and breast examinations) employees should make all reasonable efforts to arrange appointments outside 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.	Mandatory for LG support staff.  Discretionary for teachers.	Mandatory – paid.  Discretionary.
Dental Treatment	If <i>emergency</i> or <i>urgent</i> treatment is required, employees may request leave during the normal working day and such requests will be considered on a discretionary basis.	Discretionary.	Discretionary.
Elective Surgery	Employees who wish to undergo elective surgery that is not medically necessary or recommended should arrange such surgery (and any pre/post operation appointments) during school closure periods/periods of annual leave. Further, they should ensure that they have enough time to recover before the start of term/end of period of annual leave.  Where the elective surgery is medically necessary or recommended (evidence will be required) the absence will be recorded in line with the provision in Sickness-Absence Policy.	Discretionary.  Contractual sick leave entitlement applies.	Unpaid.  Paid.
Medical Appointments	If an <i>emergency</i> appointment or <i>urgent</i> treatment is required, employees may request leave during the normal working day and such requests will be considered on a discretionary basis.	Discretionary.	Discretionary.

Type	Details	Statutory or Discretionary Leave	Pay
<b>Public Service Leave</b>			
Court and ET Appearances	Employees who are required to attend court as a witness, juror, pursuing a claim or are the subject of criminal proceedings, must notify the academy as soon as they receive the hearing date or a witness summons.	Time off is discretionary (except where a witness summons is produced by the employee when the employer should release the employee to attend the hearing).	Discretionary.
Jury Service	All employees must be allowed to take time off for jury service. Under national conditions of service, employees are entitled to receive paid leave of absence for jury service.	Statutory right to leave for the duration of jury service.	Contractual - paid.  Under LG and STPCD terms and conditions, paid leave, less the loss of earnings entitlement under the Juror's Allowance Regulations.
Public Bodies and Public Duties	Justices of the Peace/Magistrates. Members of a local authority/local councillors. Members of a statutory tribunal e.g. an Employment Tribunal. Members of a relevant health body/authority for example health trusts. Members of the prison independent monitoring boards. Members of National College for Teaching and Learning. Members of the Environment Agency. Members of the Environment Agency. Members of Visiting Committees for the immigration detention estate. Members of Visiting Committees appointed to monitor short-term immigration holding facilities.	Statutory right to a 'reasonable' amount of time off, to be agreed between the employee and employer.  Employers may refuse time off if they consider it is unreasonable.	Contractual - paid  Where an allowance is claimable for loss of earnings, the employee should claim and pay the allowance to the academy.
Reservists	Volunteer reservists may request time off but there is no statutory entitlement.  Mobilised reservists must be given time off unless their employer believes their absence would cause serious harm to their organisation. In these circumstances, employers have the right to seek exemption from it, or to defer or revoke the mobilisation.  Further information can be found at: <a href="http://www.sabre.mod.uk">www.sabre.mod.uk</a>	Discretionary.	Discretionary.

Type	Details	Statutory or Discretionary Leave	Pay
<b>Public Service Leave</b>			
Trade Union	<p>Trade Union representatives have a statutory right to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing, so long as they have been certified by their union as being capable of acting as a worker's companion. The right to time off only applies where the person being accompanied is employed by the same employer as the certified companion.</p> <p>Employees who are elected union representatives of an independent trade union recognised by their employer for collective bargaining purposes are entitled to reasonable time off during working hours to carry out certain trade union duties. Duties are tasks undertaken by union representatives on behalf of the members, e.g. negotiating with the employer or organising elections. These duties must be on behalf of employees of the employer to be covered by the statutory right to paid time off.</p> <p>Employees who are members of an independent trade union recognised by the employer in respect of that description of employee are to be permitted reasonable time off during working hours to take part in any trade union activities. Activities include (but are not limited to) actions taken by members in relation to their union, e.g. voting in elections, meeting with union representatives and attending workplace meetings.</p> <p>Employees who are members of an independent trade union recognised by the employer can take reasonable time off to undertake the duties of a Union Learning representative, provided that the union has given the employer notice in writing that the employee is a learning representative of the trade union and the training condition is met. Union members are also entitled to reasonable time off for accessing the services of union learning representatives.</p>	Statutory – 'reasonable' time off.	Statutory – paid.

Type	Details	Statutory or Discretionary Leave	Pay
<b>Training-Related Leave</b>			
Time off to Train	<p>All employees who have worked for their employer for at least 26 weeks, and whose employer has 250 employees or more, have the right to <i>request</i> time off to undertake training which they believe will improve their effectiveness in their role and overall performance of the academy.</p> <p>Only one request may be made in any 12-month period.</p>	Discretionary.	Discretionary.
Study Leave and Examinations	Leave may be requested for periods of study to prepare for examinations. The employee must notify the academy as soon as possible of dates and reasons for leave.	Discretionary.	Discretionary.

Type	Details	Statutory or Discretionary Leave	Pay
<b>'Other' Leave</b>			
Examination Board	Request from teachers for leave of absence to carry out duties/activities connected with Examining Groups/Boards will be considered on a discretionary basis.	Discretionary.	Discretionary.
Holiday	All employees are entitled a minimum of 5.6 weeks statutory leave pro-rated for part-time hours. Employees may have a contractual leave entitlement which exceeds the statutory entitlement and this will be set out in the contract to employment. For those employees working less than 52.14 weeks, annual leave is deemed to be taken during the closure periods. Requests for time off to go on holiday in term time will not normally be granted. For employees who work 52.14 weeks it is normally expected that annual leave will be taken during school closure periods. All requests for annual leave should be made in line with school procedure and appropriate notice must be given.	Contractual.	Contractual – paid.
Job-Seeking and Retraining in a Redundancy Situation	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.	Statutory – reasonable time off.	Statutory – paid (employers are only required to pay up to 40% of that week's pay).
Interviews	If an employee not at risk of redundancy requests time off to attend an interview, this will be considered on a discretionary basis.	Discretionary.	Discretionary.
Moving House	This should take place outside of normal working hours, although requests will be considered on a discretionary basis.	Discretionary – one day.	Discretionary – paid (one day).
Religious Observance	The employer recognises the importance of religious observance and will attempt to accommodate the needs of the employee, e.g. time away from work during the day for prayer or to accommodate periods of fasting. Employees whose religious duties are not covered by weekends or the current statutory bank holidays may request time off for religious festivals.	Discretionary.	Discretionary.
Inclement Weather	Where severe weather conditions prevail, employees are expected to make every effort to attend work, using alternative modes of transport where necessary.  Where an employee, arrives at work late and/or has to leave work early as a result of the conditions, this will normally be treated as a normal full working day (unless otherwise notified).	Discretionary.	Discretionary.

	Employees who are genuinely unable to attend work should, wherever possible, and with the agreement of the Principal, work from home or request leave of absence which will be considered on a discretionary basis.		
Other	Leave may be requested for reasons other than that delineated in this policy. Such requests will be considered on a case-by-case basis with due regard to section 2.0.	Discretionary.	Discretionary.