



LYDIATE
LEARNING
TRUST

Leave of Absence Policy (LLT)



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1. Introduction

Lydiate Learning Trust recognises that at times, life outside of work can sometimes present unforeseen demands to our employees, during normal working hours. The purpose of leave of absence is to ensure that employees are able to manage particular circumstances that may occur in their lives where it is not possible to arrange these during school holiday periods, and time off may be required. It is expected that requests will only be made for leave of absence in term time once all other possible alternatives have been considered. Leave of absence is not an entitlement to a number of days off per year.

- 1.1 The amount of leave of absence granted and reasons for doing so can differ between teaching and support staff and from one employee to another. It is also important to bear in mind that such requests must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences. An employee's attendance and disciplinary record may also be taken into consideration where appropriate.
- 1.2 All periods of leave of absence will be recorded and considered across the academic year (1st September to 31st August)
- 1.3 Any employee who is suspected to have abused the provision for time off may be subject to disciplinary proceedings in line with the Trust's Disciplinary Procedure.
- 1.4 This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

2. Scope and purpose of this policy

- 2.1 The purpose of this policy is to ensure that employees within the Trust understand how requests for leave will be considered by the Head Teacher/Director. It will also ensure that staff across the Trust are treated in a fair and consistent way when requesting time away from work.
- 2.2 The procedure applies to all employees regardless of length of service. It does not apply to agency workers.
- 2.3 This procedure is used to deal with requests for absence from work for the reasons contained within this policy. It does not cover requests for flexible working, maternity, paternity, parental or adoption leave. Information on these can be found in the relevant Trust policy.
- 2.4 Where the procedure refers to Headteacher this will be relevant to Head of School and the associated Director for central support team.

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3. Process for making requests

- 3.1 The Trust recognises that it may not always be possible to request certain types of leave in advance, for example, bereavement leave, compassionate leave and leave in emergency situations. Where it is not possible to request leave in advance, employees should contact the Headteacher/Senior Leader (as per the local reporting procedures) as soon as possible, to tell them the reason for the absence and the number of days leave that they anticipate being absent. The Headteacher/Senior Leader will then discuss the situation with the employee and agree next steps.
- 3.2 Employees should ensure that other than in emergency situations, they make their request for leave in advance to enable the school to consider the request carefully and to ensure that cover can be implemented where required.
- 3.3 Employees should submit a request via the HR Portal, unless specified otherwise. The request will be reviewed and approved/not approved via the HR Portal. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the designated approver. Where a request is refused, the response will include written reasons for the refusal and if you are dissatisfied with the decision, you may then make a request to speak to the decision maker.
- 3.4 All decisions relating to leave of absence are at the discretion of the Headteacher. In some instances, the Headteacher may delegate responsibility for decision making for some leave requests, to a senior leader.
- 3.5 Where it is possible to do so in advance or when you return to work after taking time off under this policy, we might ask you to provide evidence for your reasons for taking the time off.

4. Bereavement leave and compassionate leave (including parental bereavement leave)

4.1 Bereavement leave and compassionate leave

- 4.1.1 Up to 5 days paid bereavement leave may be granted to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral. (see 4.3 for definition of close relative).
- 4.1.2 Up to 10 days (5 paid/5 unpaid) compassionate leave may be granted to help employees where they need to deal with necessary arrangements for or assist a close relative who is seriously or critically ill. This does not apply in the case of domestic emergencies, or where normal caring arrangements have been disrupted. We will consider compassionate leave for other traumatic events or difficult personal circumstances on an individual case by case basis. (see 4.3 for definition of close relative).
- 4.1.3 Bereavement leave and compassionate leave may be granted in relation to a spouse, civil partner or partner, stepchild, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law. Children are covered separately in the parental bereavement section above. The Headteacher may exercise their discretion in relation to

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any other relative or close friend, depending on the circumstances. When agreeing the amount of leave the Headteacher will take into account the circumstances and relationship of the employee to the deceased/seriously or critically ill.

4.2 Parental Bereavement Leave

4.2.1 Up to 2 weeks parental bereavement leave (PBL) for parents, with parental responsibility, to help them cope with the death of a child under the age of 18 years will be granted. This includes birth parents, adoptive parents,

individuals who are fostering to adopt, legal guardians, most foster parents, (excluding short term and emergency foster care), intended parents under a surrogacy arrangement, looks after the child in your home other than a paid carer and have done so for at least 4 weeks and parents who suffer a still birth after 24 weeks or more into pregnancy. There is no minimum service requirement for eligibility to take this leave. Employees may be entitled to statutory parental bereavement pay (SPBP) for parental bereavement leave if they meet the below criteria:

- Have 26 weeks continuous service with the Trust ending on the Saturday before the child died;
- Have normal weekly earnings in the eight weeks up to the week before the child death that are not less than the lower earnings limit for NI contributions

4.2.2 Parental bereavement leave will be granted as a single block of 2 weeks or 2 separate blocks of 1 week at different times. This leave must be taken within 56 weeks of the loss of the child

4.2.3 If parental bereavement leave is taken straight away and during the first 8 weeks after the child has died, there is no requirement to give advance notice of PBL. However, employees should make contact with the Trust to inform of the reason for their absence.

4.2.4 Any parental bereavement leave taken after the initial period will be subject to at least 1 weeks' notice to the employer.

4.2.5 Employees taking parental bereavement will be asked to produce a written declaration to confirm they are entitled to the leave.

4.2.6 Entitlement to maternity leave and pay is not affected if a child has died or been stillborn. Maternity leave can be taken in addition to parental bereavement leave.

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5. Dependants (Time off for)

5.1 The law recognises and we respect that there will be occasions when you will need to take time off work to deal with unexpected events involving one of your dependants. All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:

provide assistance when a dependant falls ill, gives birth, is injured or assaulted; make longer-term care arrangements for a dependant who is ill or injured; take action required in consequence of the death of a dependant;

deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or

deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

5.2 Up to 5 days paid leave may be granted in such circumstances, subject to Headteacher approval.

5.3 Medical appointments for dependants will be considered within the 5 days paid leave outlined above.

5.4 A dependant for the purposes of this policy is:

an employee's spouse, civil partner, parent or child;

person who lives in the same household as the 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 paragraph 5.1.

5.5 Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis and it is necessary to take action in relation to a dependent. This will depend on the nature of the problem, the closeness of the relationship between you, and whether someone else is available to assist. Reasonable time off will not normally be more than 1 or possibly 2 days and in most cases will be less than a day. However, we will always consider each set of circumstances on their facts.

5.6 If you know well in advance that a problem might arise or you wish to take time off to care for a dependant yourself, rather than make alternative arrangements, this policy will not apply. You should make other arrangements to deal with such situations.

5.7 You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell the Head Teacher:

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the reason for your absence; and how long
you expect to be away from work.

5.8 If you fail to notify us as required by paragraph 5.5, you may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

6. Domestic, Personal and Family Reasons

6.1 A number of days paid or unpaid leave of absence may be granted for domestic reasons (urgent or otherwise). It is expected that those employees who have the option to choose when to take their leave, will use their annual leave entitlement before making a request for domestic reasons. A guide as to what is considered reasonable and what may be paid is included below.

6.2 All leave requests within this criteria should be submitted via the HR Portal in advance.

6.3 Leave to be granted under this provision may include the following, but the Headteacher will consider each set of circumstances on the facts, including the nature of the request, the relationship of the employee to the person the request relates to where applicable and whether the event or incident is an exceptional circumstance that could not be arranged outside of normal working hours:

6.3.1 Moving house

Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to a day's leave may be granted by the Trust.

6.3.2 Wedding or civil partnership ceremony

Employees should make their own wedding/civil partnership arrangements outside normal working days. Up to one day's paid leave may be granted by the Trust to enable employees to attend a close relative's or close friend's wedding or civil partnership ceremony where this is held during normal working hours. Approval is subject to Headteacher discretion.

6.3.3 Other special events

We recognise that in exceptional circumstances there will be special events in an employee's family life that cannot be arranged outside normal working days e.g. graduation ceremonies, school productions, sports day. The Trust will consider requests for time off for these purposes. Such requests will be considered unpaid and payment in some circumstances is at the direction of the Headteacher.

6.3.4 Urgent domestic business

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This would enable school staff to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc. Such requests will be considered on an individual basis.

6.4 Special absence for other personal or family reasons, e.g. to visit relatives who live abroad or to nurse a sick person may also be considered in exceptional circumstances where the employee has a minimum of one year's service at the date of commencement of the leave. A holiday will not be considered as an exceptional circumstance.

6.5 Plans or arrangements for the time off should not be made by the employee until they have received a decision in relation to their request and their request is granted, if appropriate.

7. Health and Welfare

7.1 Employees are expected to make routine medical appointments on their non-working days/outside working hours. Where it can be demonstrated that it is not possible to obtain appointments outside of working hours or where emergency treatment is needed, the Trust may grant paid time off for reasons of the personal health and welfare of an employee. For example, visits to a doctor, clinic and hospital or emergency visits to emergency a dentist or optician,. The Trust will expect employees to provide evidence of their requirement to attend any medical appointments, submitted with their leave request to the HR Team

7.2 All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments are covered by this policy.

7.3 Employees who donate blood or other medical tissue are encouraged to do this outside of working hours. Where this is not possible requests for time off to attend these appointments will be considered under this policy.

7.4 Requests for time off for medical appointments in relation to adoption, pregnancy or a disability will be considered under the relevant policy that covers these circumstances.

7.5 Employees who are planning to undergo a course of fertility treatment or are planning to become a surrogate should discuss with the Headteacher their treatment plan and requirements for time off. The Trust will consider these cases based on the individual circumstances.

8. Interviews

8.1 The Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant paid leave in these circumstances.

8.2 Employees must inform their Headteacher that they have been invited for interview, and submit their request for leave via the HR Portal advising of the time, date and duration of the interview as soon as they have this information so that the request can be considered

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promptly to avoid disappointment. The Trust can ask employees to provide evidence of interview. Employees may be expected to attend work before/after a part day interview.

9. Time off for public duties

9.1 The Trust supports employees to perform certain public duties that they may be committed to undertake and will give them time off to do so where it does not conflict with the operational needs of the Trust. The Trust is not obliged to grant employees paid leave for these purposes. The circumstances in which we are prepared to do so are set out below.

10. Jury service

9.2 Employees should tell the Headteacher as soon as they are summoned for jury service and provide a copy of the summons if requested.

9.3 Depending on the demands of the School, we may request that the employee applies to be excused from or have the jury service deferred.

9.4 The Trust is not required to pay employees while they are absent on jury service, however we will pay basic pay to employees. The employee will be advised at court of the expenses and loss of earnings that can be claimed and must claim this allowance for loss of earnings to which they are entitled under the Jurors' Allowance regulations, and pay this to the academy. However, if a part-time employee undertakes jury service on a day when s/he would normally not be working, the payment from the court for this day would not need to be paid to the academy.

11. Voluntary public service

9.5 Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties. A polite conversation should be had with the Headteacher if someone is taking up a voluntary duty to discuss how it would work before securing the role. Public service duties include service as a:

Tribunal member

Magistrate

Local councillor

Member of an NHS Trust

Prison visitor

Lay visitor to police stations

School/Academy/Trust governor

9.6 If you are unsure whether a public service that you perform is covered by this policy you should speak to your Headteacher.

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9.7 As soon as you are aware that you will require time off for performance of a public service you should notify the Headteacher in writing, providing full details of the time off that is being requested and the reasons for your request.

9.8 The Trust will agree to requests for time off to undertake public duties wherever reasonably possible [having regard to the criteria set out in this policy]. If it is not possible to accept a request you will be given written reasons for our decision.

9.9 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 your employment.

How much time off is reasonably required for the duty in question.

How much time off you have already taken for the public duty in question.

How your absence will affect the School.

12. Reserve forces duties

9.10 We are aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be used on full-time operations and will be expected to attend regular training.

9.11 Employees who need time off for reservist commitments are expected to use existing holiday entitlement where applicable. In exceptional circumstances or where annual leave is not possible, we may grant additional leave (either paid or unpaid) in order for these commitments to be met.

9.12 Whilst we will do everything possible to meet your request for leave it may not always be possible for operational reasons. If we receive notice that you have been called-up there may be occasions when we need to apply to an adjudication officer for the notice to be deferred or revoked if your absence would cause serious harm to the School (which could not be prevented by the grant of financial assistance).

9.13 Once your military service has ended you may submit a written application for reinstatement to your employment. This should be made by the third Monday following the end of your military service and you should notify us of the date on which you will be available to restart work.

9.14 If it is not reasonable and practicable to reinstate you into your former employment we will offer you the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

13. Professional Examination Duties

10.1 The Trust will authorise leave for teachers to undertake professional duties in connection with GCSE, GCE A Level and other public examinations in line with the provisions of the

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Burgundy Book (Section 6). This also gives details of how the school may be reimbursed when a teacher has to be released.

14. Redundancy – support for job seeking

11.1 Employees who have been identified by the Trust as redundant will be allowed reasonable time off during working hours to support them with securing alternative employment or to arrange training for future employment. The amount of time-off is at the discretion of the Headteacher. Each case will be considered on its merits.

15. Religious Festivals

12.1 Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted leave with or without pay, at the discretion of the Headteacher

12.2 Employees must inform the Headteacher at the start of each academic year of any dates that they may need to request time off for. Where this is not possible employees should provide this information as soon as they are able to and no later than 10 working days before the date of the requested leave.

16. Time off for trade union duties and activities

13.1 The Trust wishes to support employees with time off for trade union activities as per the JCNC agreement.

17. Retention and data protection

14.1 Through the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018). Records will be kept in accordance with our [Workforce Privacy Notice], our [Retention and Destruction Policy] and in line with the requirements of the Data Protection Legislation.

18. Review of policy

15.1 This policy is reviewed every two years. We will monitor the application and outcomes of this policy to ensure it is working effectively.

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