



South York  
MULTI-ACADEMY TRUST

## LEAVE OF ABSENCE

<b>Title</b>	<b>Leave of Absence Policy &amp; Procedure</b>
<b>Author</b>	HR Business Partner
<b>Issue date</b>	July 2024
<b>Review date</b>	July 2026
<b>Scope:</b>	<b>This policy applies to all teaching and support staff in schools.</b>
<b>Links to other procedures:</b>	Parental Leave, Shared Parental Leave, Attendance Management Policy

The policy and entitlements were those which applied prior to TUPE transfer into SYMAT in 2018 and therefore carried over at the establishment of SYMAT.

This policy applies to each Trust operating within the South York Multi-Academy Trust unless specific conditions and applications are identified within this policy.

This policy will be monitored regularly by the Multi Academy Trust Board in line with the agreed timetable for policy review or sooner as events or legislation changes require.

## LEAVE OF ABSENCE

### **1.0 Introduction**

- 1.1 The provisions relating to time off for both teaching and non-teaching staff are primarily embodied in the nationally and locally agreed conditions of service which in turn reflect the legal requirements relating particularly to time off for public duties.
- 1.2 The following section details the main provisions in this respect. It does not, however, relate to leave of absence due to illness, maternity, trade union activities or participation in in-service training.
- 1.3 Applications for leave should be processed primarily through the staff member's line manager / Member of School Management Team / Headteacher – unless such leave falls within the Headteachers discretion.
- 1.4 A table of the entitlement of staff to leave of absence is attached in the following pages.

The classifications of leave of absence are:

1. Annual Leave Entitlement
2. Public Holiday Entitlement
3. Compassionate Leave
4. Attendance at Weddings
5. Holiday with Spouse
6. Unavoidable Personal Business – including moving house
7. Attendance at Interviews
8. Service in the Territorial Army
9. Public Duties
10. Duties as an Added Member of City of York Education Committee
11. Attendance at Conferences
12. Election Duties
13. Decorations and Honours
14. Television and Sound Broadcast
15. Witness in Court, Jury Service, Inquests
16. Inclement Weather
17. Leave for UNISON Sports Competitions
18. Dependant Care Leave
19. Parental Leave

## Leave Entitlement

REASON FOR ABSENCE	TEACHING STAFF	NJC STAFF	SPECIAL COMMENTS
<b>1. Annual Leave Entitlement</b>		<p>Less than 5 years service = 24 days</p> <p>5 years or more service at the end of the leave year = 29 days</p>	<p>Leave year is 1<sup>st</sup> Sept to 31<sup>st</sup> Aug</p> <p>Up to 5 days leave can be taken within term-time</p> <p>Any leave in excess of this is at the discretion of the Headteacher</p> <p>Up to 5 days leave can be carried over to the next leave year</p>
<b>2. Public Holiday Entitlement</b>		All public holidays	
<b>3. Compassionate Leave</b>  <b>Bereavement or serious illness of:</b> <b>Husband/wife/partner/father/mother/son/daughter/brother/sister and the same in respect of in-laws.</b>	As necessary up to five working days with pay		Five days may be extended and include other relatives at the discretion of the Headteacher
<b>4. Attendance at the wedding of a child, father, mother, brother, sister or person normally resident with the applicant.</b>	One working day plus essential travelling time at the discretion of the Headteacher.	Normal annual leave arrangements would apply.	With pay.
<b>5. Holiday with husband / wife / partner.</b>	Exceptionally at the discretion of the Headteacher.	Normal annual leave arrangements would apply.	Without pay in respect of teaching staff.
<b>6. Unavoidable personal business – including moving house</b>	Up to one working day. May be extended at the discretion of the School Governing Body.	<p>Normal annual leave arrangements would apply.</p> <p>1 days paid leave for moving house.</p>	Other than moving house - with or without pay at the discretion of the Head.
<b>7. Attendance at interviews</b>	As necessary	As necessary.	With pay
<b>8. Service in the Territorial Army</b>	As necessary up to 10 working days. With salary for five days, thereafter without salary.	Up to two wks to enable staff to attend summer camp for staff with four wks leave entitlement and either one or two wks for staff with five wks holiday entitlement. Leave to attend training as necessary.	With pay

REASON FOR ABSENCE	TEACHING STAFF	NJC STAFF	SPECIAL COMMENTS
<b>9. Public Duties</b> (See list in Appendices)	Maximum paid leave allowable be set at 208 hours in any year. Granting of requests for leave should be determined by the Headteacher having regard to the needs of the school, the implications of allowing each individual request, the overall limit and guidelines on reasonableness.		With pay
<b>10. Duties as an added member of City of York Education Committee</b>	As necessary		With pay.
<b>11. Attendance at meetings or conferences of societies on educational matters.</b>	As necessary at the discretion of the Headteacher		With pay.
<b>12. Election duties.</b>	From first day on which nomination papers may be delivered to second day after election inclusive.  The day of the Count.  Day of polling only.  <b>ALL</b> at the discretion of the Head, where there would be no conflict with the demands of their posts.		Without pay  Without pay  Without pay
<b>13. Decorations and Honours</b>  <b>I. Attendance at a degree ceremony of a close relative (see 3 above).</b>  <b>II. Representing the county of country in sporting events and taking part by invitation in amateur international trials</b>	As necessary at the discretion of the Headteacher	Normal annual leave arrangements would apply	With pay
<b>14. Television and sound broadcast</b>  <b>I. with a direct educational bearing</b> <b>II. without a direct educational bearing</b>	As necessary at the discretion of the Headteacher		With salary subject to any fees  Paid  Without pay.
<b>15. Witnesses in court, jury service, inquests.</b>	As required		Salary will be reduced up to a maximum of any allowances which may be claimed.

REASON FOR ABSENCE	TEACHING STAFF	NJC STAFF	SPECIAL COMMENTS
<b>16. Staff prevented from reaching work due to inclement weather or other extenuating circumstances.</b>	<p>If staff can satisfy their Line Manager that they have made every effort to get to work, any time lost may be classed as time off with pay. If the school is not so satisfied, then the time off will be regarded as unpaid leave.</p> <p>The School can put in place what criteria will be used to determine whether the time off is with or without pay.</p>		With or Without Pay
<b>17. Leave for UNISON Sports competitions organised between local branch and other branches within the Yorkshire &amp; Humberside District.</b>		At the discretion of the Head.	Leave after 4.00 pm will be with pay. Any additional absence shall be without pay.
<b>18. Dependant Care Leave (see guidelines in Appendices)</b>	Up to a maximum of 5 days in any leave year		With pay
<b>19. Parental Leave</b>	Applies to both Teaching and NJC Staff (please see Parental / Shared Parental Leave Policy)		Without pay

## **APPENDICES**

### **DEPENDANT CARE LEAVE**

#### **Entitlement**

1. Dependant Care Leave is a statutory right introduced by the Parental leave Directive and the Employee Relations Act 1999.

All employees are entitled to take a reasonable amount of time off work to deal with family emergencies or unexpected problems in relation to dependants from the first day of their employment.

The statutory right is to time off without pay, however, the Trust will pay up to 5 days Dependant Care Leave in a year provided you demonstrate that you meet the requirements set out in paragraph 5.

2. You may take reasonable time off in order to take action as necessary if:
  - A dependant falls ill suddenly or has been injured or assaulted,
  - You need to make long term care arrangements for a dependant who is ill or injured,
  - You need to make funeral arrangements due to the death of a dependant,
  - You need to deal with unexpected disruption or breakdown of care arrangements for a dependant,
  - You need to deal with unexpected incident involving your child during school hours.

#### **Definition of 'Dependant'**

3. For the purpose of Dependant Care Leave "dependant" means spouse, child, parent, or someone who lives in the same house as you who is not an employee, tenant, lodger or boarder. In addition, any person who reasonably relies on you for assistance when they fall ill or when their normal care arrangements break down can count as a dependant.

#### **Taking Dependant Care Leave**

4. You must let your manager know that you will be absent from work and the reason for your absence as soon as reasonably practicable. In many cases, because of the sudden nature of the incident you may not be able to inform your manager in advance, in which case you should inform your manager as soon as you can that you are absent from work, the reason for your absence and when you expect to return to work. If your absence is due to a family emergency as outlined above it will be counted as Dependant Care Leave.
5. When you return to work you should complete a SYMAT Absence Form to record that you have been absent due to Dependant Care Leave. You may be able to claim up to 5 days (pro rata for part time employees) payment for your absence if:
  - Your absence was due to a family emergency as set out in paragraph 2 above.
  - You have not previously been paid for 5 days Dependant Care Leave in the past year.
  - You have less than 2 days annual leave per calendar month for the remainder of the leave.
  - You demonstrate that you tried to minimise your time absent from work.
6. The completed SYMAT Absence Form form should be passed to your Line Manager / Headteacher / HR for signature and approval. The completed form should then be placed on the

employee's personal file. If the leave is to be taken as unpaid, this needs to be notified to Payroll.

7. The Headteacher can approve additional paid Dependant Care Leave over and above 5 days in exceptional circumstances. This will be dependant on the circumstances of the case.

### **Domestic Incidents**

8. There is no right to time off to deal with domestic incidents such as a flooded washing machine, storm damage to the house or taking a pet to the vet etc. Although it is recognised that employees may occasionally need time off for these reasons, such time off should be taken as annual leave, flexi leave or unpaid leave. In all cases you should notify the School as soon as you can, giving the reason for your absence and when you expect to return.

## **TIME OFF FOR PUBLIC DUTIES**

It is Trust policy that an employee should be allowed up to a maximum of 208 hours paid time off for carrying out public duties.

The full list of such duties which qualify are as follows:

- a Justice of the Peace
- a member of a local authority (including Parish Councils)
- a member of any statutory tribunal
- a member of District Health Authority
- a member of National Health Service Trust
- a member of a Family Health Service Authority
- a member of a grant maintained school, higher or further education corporation or educational establishment maintained by local education authority
- a member of a board of prison visitors
- a member of a police authority

There are statutory criteria under the Employee Rights Act 1996 for the determination of reasonable time off.

These are:

- how much time off is required for the performance of the duties of the office or as a member of the body in question
- how much time off the employee has already had in respect of these duties
- the circumstances of the employer's business and the effect of the employee's absence on the running of the business

The granting of requests for time off should be determined by the Headteacher, having regard to the overall limit set by members and the guidelines on reasonable to the overall limit set by members and the guidelines on reasonableness shown above. Most importantly the Headteacher should have regard to the needs of the service and the implications of allowing each individual request for time off.