



Other Leave and Absence Policy

Date Approved	May 2024
Date of Next Review	May 2027

Policy Scope and Purpose

Policy Scope and Purpose:	<p>This policy sets out arrangements for leave that is in addition to annual leave, parental leave, and provisions for sickness absence.</p> <p>Other leave may be paid or unpaid in accordance with the provisions outlined in this policy for each type of leave.</p> <p>Employees are expected, where possible, to explore the use of agile working arrangements with their line manager (for example adjusted working patterns) to enable them to have the time away from work that they need without the need for additional leave</p>
Who uses this Policy:	<p>This policy applies to all Support Staff Employees and Teachers on IET terms and conditions of employment</p>
Roles and Responsibilities:	<ul style="list-style-type: none"> • Line Managers are responsible for implementing the policy in a fair and consistent manner • All employees will be responsible for engaging with and adhering to this policy and associated procedures • The Human Resources team will be responsible for ensuring compliance with this policy and procedure and providing advice and guidance
Related Resources	<ul style="list-style-type: none"> • Employee Assistance Programme • Right to request flexible working policy • https://www.gov.uk/jury-service • https://www.gov.uk/parental-bereavement-pay-leave • Maternity Leave policy • Adoption Leave policy • Paternity leave policy • Surrogacy leave policy • Managing staff absence policy • Teachers sick pay policies • Support staff sick pay policy

Contents:

Section	page
Policy Scope and Purpose	1
Context	3
Statement of Intent	3
Time Off for Dependents	3
Carers Leave	4
Care of sick children	5
Compassionate leave	6
Parental bereavement leave	6
Antenatal/adoption appointments	6
Support leave for Maternity and Adoption (non-parental responsibilities)	6
Fertility treatment	7
Leave to attend significant events	8
Religious festivals	8
Job interviews	8
Examination duties	8
Jury service	8
Moving house	9
Medical and Dental appointments	9
Trade Union/ Professional Association Duties and Activities	9
Study leave	9
Sabbaticals	9
Adverse weather and travel conditions	10
Other leave not covered	10
Abuse of time off and unauthorised leave	10
Limits	10
Data protection	10
Status of Policy and Review	10

1. Context

The Inclusive Education Trust (IET) Board of Trustees has approved the following procedure for schools across the MAT and for the Central Team managed by the Executive Leadership Team.

In this document, reference to 'Trustees' represents the Board of Trustees. Reference to the Trust represents the Inclusive Education Trust and reference to the 'Local Governing Body (LGB)' represents the Local Governing Body of each school. Reference to 'the school' in this document represents each school in the MAT.

2. Statement of Intent

The Trustees of the Inclusive Education Trust recognise the importance of consistency, openness and equality in responding to requests from employees for special leave of absence for family and personal reasons or in order to fulfil professional duties other than those immediately related to employment.

This policy reflects:

- Employees' statutory entitlement to take time off (paid or unpaid) in certain circumstances;
- National and local agreements recognised by the school;
- Best practice, which seeks to maintain good working relationships between employees and management; and
- The need to balance requests against the operational needs of the school.

It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence to be reasonably and fairly handled whilst recognising that the operational needs of the school are a priority and there may be times when a request for leave will be refused.

There may be occasions when circumstances arise which are not specifically identified in this policy. The decision regarding granting leave of absence in such cases falls to the discretion of the Head of School in liaison with the DoE, as appropriate.

3. Time Off For Dependants

The Employment Rights Act 1996 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants.

What constitutes a reasonable amount of time off is not specified by the legislation and will depend upon individual circumstances, such as:

- the nature of the incident;
- the closeness and level of dependency in the relationship; and
- the availability of anyone else to help with the situation.

Whilst there is no legal restriction on the number of occasions upon which an employee can exercise this right, the amount of time off taken is nevertheless subject to a consideration of what is reasonable in each circumstance. In most cases, a few hours or a day will suffice to deal with the immediate emergency.

For the purposes of this right, a dependant is an employee's spouse, civil partner, child, parent or another person who lives in the same house as the employee (other than as a tenant, boarder, lodger or employee). In addition, it includes anyone who reasonably relies on the employee for assistance or to make arrangements for care when that person falls ill or is injured or assaulted, and anyone who relies on the employee to arrange the provision of care.

Circumstances when an employee may take time off are:

- If a dependant falls ill, or has been injured or assaulted;
- When a dependant goes into labour
- To make longer term care arrangements for a dependant who is ill or injured (see also Section 4, 'Care of Sick Children');
- To deal with the death of a dependant;
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant;
- To deal with an incident involving the employee's child during school hours (see also Section 5, 'Care of Sick Children').

Notifying the need for Time off for Dependants

- Employee must tell their manager/HoS as soon as practicable; the reason for their absence and how long they expect to be away from work, updating daily as appropriate.
- For emergencies requiring the need to leave work during the day, employees must inform a senior manager/HoS and ensure suitable cover is in place for overseeing their students before leaving the school premises
- On returning to work, if not before, a request for time off during term time form should be completed, to be authorised by the Head of School

4. Carers Leave

Unlike the right to take unpaid time away from work to manage short term unexpected issues surrounding the care of dependants (refer to Time off for Dependant leave section 3) Carer's leave is aimed at supporting employees caring for those with **long-term care needs**. The trust board recognise and value the contribution of carers and understand the additional pressures carers face when managing both work and caring responsibilities.

Employees who satisfy the eligibility criteria relating to caring responsibilities for dependants with long-term care needs, have a statutory right to request, subject to appropriate notice, one week of unpaid carers leave per academic year. Carers leave can be taken flexibly as whole or half days or a block of one week.

Eligibility Criteria

This entitlement is effective from the first day of employment.

The individual requiring care must have a long-term care need. The care needs may be due to illness or injury (physical or mental), a disability as defined under the Equality Act 2010 or issues related to old age. To be eligible a carer must have a relationship with the individual which falls within one of the following categories:

- A spouse or civil partner
- An employee's child
- A parent or parent of partner
- A person who lives in the same household as the employee (other than being their employee, tenant, lodger or boarder)
- A person who reasonably relies on an employee for care, for example an elderly neighbour with no relatives who is living alone.

Carers leave can be used to carry out a wide range of caring activities, whilst not an exhaustive list it may include the following:

- Accompany to medical or welfare appointments
- providing practical support (meals, shopping, visits)
- helping around the home (maintenance, laundry, cleaning)
- helping with official matters (paperwork, banking, bills)
- providing personal/medical care (bathing, feeding medication etc)
- dealing with social services and official organisations
- providing general personal support (keeping an eye out for someone, staying in touch).

Carers are not required to disclose to their line manager their caring responsibilities, however, the success of this policy will rely on open and honest discussions therefore employees are encouraged to do so. Employees have access to the Trust's Employee Assistance Program for additional support and guidance.

Carers are not required to provide evidence to request carer's leave however false claims for carer's leave will be considered serious and may be handled in line with the disciplinary policy.

Making a request

Employees should give their line manager and HoS as much notice as possible for the date(s) they would like to take carer's leave. The leave must be requested in advance of the date(s) required and where reasonably possible, notice should be twice the length of the leave being requested, plus one day.

Managers cannot unreasonably decline a request for carers leave, however, they can in some circumstances postpone or refuse the request on that occasion. The grounds on which they can do so will be strictly limited to when the manager considers that the operation of the school will be unduly disrupted.

5. Care of Sick Children

The Trust Board recognises that it can be difficult for working parents and guardians to respond to the need to care for their own children when they become unwell during working hours. Employees have a statutory right to unpaid time off to make arrangements for the care of a dependant. (Refer to Time off for Dependent leave section 3). It is important however, to understand that this entitlement is only to take time off to make arrangements for the care of a child, not to provide that care personally. It should not therefore, normally be necessary to take more than a part or whole day off work on each occasion.

There is no contractual or statutory entitlement to take time off to provide direct care for a sick child and it is therefore important that working parents give advance consideration to what arrangements they can put in place to care for sick children at short notice. In exceptional circumstances, where other care arrangements cannot be made, the CEO / DoE may agree that employees can take unpaid leave to care for a sick child.

6. Compassionate Leave

There is no specific statutory right to claim time off work, whether paid or unpaid, on compassionate grounds, except in those circumstances covered by 'Time Off For Dependants', see Section 3 and 'Parental Bereavement Leave', see Section 7.

For situations that are not covered by other statutory rights, the CEO / DoE (or the chair of the board of trustees in the case of the CEO), may, at their discretion, grant special leave of absence, with or without pay, depending on the circumstances of the case.

In considering requests, the CEO / DoE will take account of the reason for the request, the likely duration of absence, the employee's length of service, the impact of refusing a request and what cover arrangements can be made for the absence. The following will be used as a guideline but is not intended to represent a minimum or maximum contractual entitlement:

Sudden, serious illness of near relative, spouse or child	Up to 5 days' paid leave
Death of a near relative, spouse or partner	Up to 3 days' paid leave
Funeral of a near relative, spouse or partner	1 day of paid leave
Funeral of other relatives, friends or colleagues	1 day of unpaid leave

7. Parental Bereavement Leave

Parental bereavement leave is a statutory entitlement for primary carers following the death of a child under the age of 18, or a stillbirth after 24 weeks of pregnancy. It is a right for bereaved parents (and partners of parents in an enduring family relationship). This includes adopters, foster parents and guardians, as well as close relatives or family friends who have taken responsibility for the child's care in the absence of the parents. This provides the right to be absent from work, for up to two weeks.

Time off can be taken in a single block or two separate blocks of one week within 56 weeks of the child's death. It also applies to parents who suffer a stillbirth after 24 weeks of pregnancy. Affected employees will be informed of their entitlement and the statutory requirements of the scheme.

In line with section 6, primary carers are entitled to up to five days full pay which includes, and is offset by, any statutory entitlement where eligible. (refer to <https://www.gov.uk/parental-bereavement-pay-leave>)

This entitlement is effective from the first day of employment.

8. Antenatal / Adoption Appointments

All pregnant employees have the right to take paid time off to attend antenatal appointments. Except in respect of the initial appointment, evidence of appointments must be provided if requested by the CEO / DoE or employee's line manager.

Prospective fathers / partners of pregnant persons may take unpaid time off to accompany them to up to two antenatal appointments, subject to a maximum limit of 6.5 hours per appointment. Such employees may be required to complete a form declaring their eligibility.

Similar rights are available to the main (or sole) adopter and their co-adopter (if applicable) in respect of adoption appointments prior to the placement. Eligible employees will be provided with further information about their entitlements. (See maternity, paternity, surrogacy and adoption leave policies)

9. Support leave for Maternity and Adoption (non-parental responsibilities)

A nominated carer is a person who does not have parental responsibility for the child and is nominated by the birth mother, or the adoptive mother or father, as their primary provider of support at or around the time of the birth or adoption. There is no statutory entitlement to leave, however employees who are nominated as a carer in these circumstances may request up to one weeks unpaid leave (a week is your contracted week). Leave should be taken around the time of the birth or adoption and can be taken on separate days if preferred. Employees should discuss this request with their line manager as soon as possible, providing reasonable notice. Whilst the trust is committed to

providing a supportive environment, it is not an automatic entitlement and the needs of the school have to be balanced with those of the employee. 6

10. Fertility Treatment

For the purpose of this policy, fertility treatment includes:

- Any form of assisted reproduction carried out by a registered medical practitioner or registered nurse (for example in vitro fertilisation (IVF), intrauterine insemination (IUI) and intracytoplasmic sperm injection (ICSI))
- any treatment carried out by a registered medical practitioner or registered nurse for the purpose of preserving fertility (for example freezing eggs, sperm, embryos, or reproductive tissue) and
- any medical examination or treatment in connection with the treatment mentioned above (for example blood tests, ultrasound scans, egg collection, sperm collection, embryo transfer)

Time off for Fertility Treatment

Whilst there is no statutory right to time off for fertility treatment we are committed to providing an environment where employees feel supported. Any related information disclosed by the employee will be treated in strict confidence. A risk assessment should be undertaken as soon as treatment has begun and revisited following implantation.

Time off for medical appointments both at the investigation stage and for fertility treatment (other than where the treatment will necessitate the employee's absence from work for a full working day or more) will be treated in the same way as leave for other medical appointments. (For further information refer to absence management policy). Where possible appointments should be arranged outside of working hours or covered by flexible working arrangements. Where this is not possible, the HoS may grant the employee reasonable paid time off to attend appointments. Employees should submit their request as soon as possible and may be asked to provide proof of the date and time of the appointment.

If an employee needs to take time off for fertility treatment or appointments which require absence for a full day or more and cannot be covered by flexible working arrangements, this will be counted as sickness absence, for which sick pay will be paid.

Absence where an employee is unwell or advised to take time off to recuperate following treatment will be recorded and paid as sickness absence.

Sickness absence due to fertility treatment, including recommended recuperation periods will not be counted in relation to absence monitoring and management or absence references and will not be taken into consideration during redundancy processes.

Employees whose partners are undergoing fertility treatment and who wish to accompany them to appointments may request unpaid leave. Proof of appointments and procedures may be required.

Working whilst undergoing Fertility Treatment

The trust recognises that working whilst undergoing fertility treatment can be incredibly challenging. We urge employees to be as open as possible about any issues they are experiencing or adjustments they may need to ensure they are receiving the right level of support. Support and advice for employees and line managers will be provided on a case-by-case basis by HR. Help and support is also available to employees through our Employee Assistance Programme (EAP)

Implantation

From the point of implantation of fertilised ova, the employee is considered pregnant and has a

statutory right to paid time off for antenatal appointments. For further information refer to Maternity Leave and Pay policy.

7

Sickness absence will be regarded as pregnancy-related sickness absence from the point at which the fertilised ova has been implanted. If the implantation is unsuccessful, the protected period ends two weeks after the end of the pregnancy. This is two weeks after the date you find out that the implantation was not successful.

11. Leave to Attend Significant Events

The Trust Board recognises that, from time to time, employees may have the opportunity to attend a significant social event during term time. Examples might include:

- Graduation ceremony for a son or daughter
- Wedding of a close family member

Support employees who are employed full year have an annual leave entitlement and may therefore request paid annual leave for such events. Teachers and term time only employees are not able to take annual leave during term time. In considering requests for leave and pay, the Head of School/CEO / DoE will take account of the reason for the request, the likely duration of absence, the employee's length of service, the employee's absence record, the impact of refusing a request and what cover arrangements can be made for the absence.

All employees must seek the express permission of the CEO / DoE or their Head of School for leave in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Head of School/CEO / DoE will need to refuse a request for leave.

12. Religious Festivals

Employees who wish to attend significant religious festivals which fall during school term time may request to take unpaid leave to attend the festival (or for full-year employees annual leave may be granted). Requests for such unpaid leave must be made to the CEO / DoE as early as possible in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the CEO / DoE will need to refuse a request.

13. Job Interviews

All employees may take a reasonable amount of paid leave to attend selection interviews for other employment. Requests to take leave to attend an interview must be made to the CEO / DoE in advance of the event. In considering whether the request can be granted, the CEO / DoE will take into account:

- The operational needs of the school;
- The amount of time off requested;
- The number of paid days (or part days) of leave already granted for interviews in the previous 12 months.

14. Examination Duties

Teachers undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained within Appendix 2 of the Conditions of Service for School Teachers in England and Wales ('Burgundy Book'). Notification and approval should be provided and sought from the HoS.

15. Jury Service

Employees may request leave to undertake jury service and should inform the school as soon as possible after receiving the summons. The school will make up the difference between the loss of earnings allowance which may be claimed from the court and the employee's normal pay. The employee is responsible for claiming the allowance and an equivalent amount will be deducted from

the employee's salary. The government website has further helpful information about jury service. <https://www.gov.uk/jury-service> HR team will advise accordingly.

16 Moving House

Employees are encouraged, wherever possible, to move house during one of the school closure periods which occur throughout the year. Where this proves impossible, the Head of School / CEO / DoE has the discretion to grant employees one day of paid leave in order to move house. In considering such requests, the CEO / DoE may ask for supporting evidence to demonstrate why the move must take place during term time.

17 Medical and Dental Appointments

Employees are encouraged to make medical and dental appointments outside normal working hours and, with routine appointments, this should usually be possible. Where it is not possible to make an appointment out of hours, or where the appointment is urgent, paid time off to attend appointments will be granted at the discretion of the Head of school or CEO / DoE, from whom permission must be sought in advance. Evidence of appointments may be requested.

The same provisions will apply where an employee is seeking time off work to accompany a dependant to a medical or dental appointment, although it is expected that in such circumstances time off will usually be unpaid or must be made up at another time.

Where an ongoing series of medical appointments has been requested, the CEO / DoE will have discretion to determine whether they will be paid or unpaid. Evidence of appointments may be requested.

18 Trade Union / Professional Association Duties and Activities

Employees undertaking duties or attending activities in relation to their membership or role within a recognised trade union will be granted time off in accordance with any locally agreed facilities agreement in place at the time of the request, taking into account the provisions of the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

19 Study Leave

Where an employee is studying towards a pre agreed qualification, which is sponsored by the Trust, they are entitled to paid time off to study or sit examinations, in accordance with the individual learning agreements.

20 Sabbaticals

In exceptional circumstances the trust may consider an application for a long period of unpaid leave, sometimes known as a sabbatical.

It is not an automatic entitlement and the needs of the school have to be balanced with those of the employee. Employees may not take alternative employment during this period of unpaid absence.

Permanent employees with more than two years' service may apply to the DoE/CeO for unpaid leave of up to 6 months. If granted, employees do not have to resign whilst on unpaid leave, they will return to their substantive post at the end of the unpaid leave period if the post still exists. All pay, allowances and entitlements will cease during the period of unpaid absence. However, their continuity of service will be protected for the duration of the unpaid leave.

Where an employee wishes to apply for a period of unpaid leave of between 6 and 12 months there is no guarantee of returning to the same post. The Trust will make best endeavours to find a suitable equivalent post for the returner.

It is important to note that pension arrangements require that the employee and employer pay contributions for the first 30 days of the unpaid leave. If the employee wishes to pay contributions for

the total period of the absence, this must be done within 30 days of returning to work. In this case, the Trust will also pay the employer contributions for the period of absence.

21 Adverse weather and travel conditions

As a general principal, employees are expected to take all practicable steps to safely reach their place of employment and to maintain their normal hours of work and working practice during adverse weather conditions. Where the school remains open and individual employees are unable to attend work due to adverse weather conditions, they must notify the Head of School and Line Manager as soon as possible. Employees seeking to start work later or leave work early due to adverse weather conditions must first seek agreement from the Head of School. The Head of School has the discretion to approve alternative working arrangements where appropriate to the role undertaken (e.g. working from home) or where this is not practicable or appropriate grant a period of unpaid leave.

22 Other Leave Not Covered

If an employee wishes to request time off for a form of leave not covered in this policy, they should approach their line manager in the first instance explaining the circumstances, including when, and for how long they wish to take leave. In considering whether or not to grant the request and whether it should be paid or unpaid, the Head of School and/or CEO / DoE will bear in mind any statutory provision, local or national agreement recognised by the Governing Body in relation to the particular leave request, as well as any custom and practice relating to similar circumstances. Ultimately, unless there are particular provisions to which the school is required to adhere, the leave, whether paid or unpaid will be granted at the discretion of the CEO / DoE or Chair of Trustees, bearing in mind the operational needs of the school.

23 Abuse of Time Off and Unauthorised Leave

Whilst the school's approach is to endeavour to grant special leave in line with this policy where the request is reasonable and it is operationally feasible to do so, employees should be aware that taking unauthorised leave (such as taking leave which has previously been refused) or making a dishonest request for leave (for example by requesting leave for false reasons) will be treated as a serious disciplinary matter potentially leading to dismissal for gross misconduct.

24. Limits

There will be a limit to other leave over and above any statutory entitlement of 10 working days throughout the academic year and this will be considered before approval. Individual requests may be considered in exceptional circumstances and must be agreed by the CEO.

25. Data Protection

When an employee makes a request to their line manager for time off under this Other Leave and Absence Policy, personal data collected will be processed in accordance with the IET data protection policy. In particular, only the personal information required to deal with the employee's request for time off should be recorded and this information kept only for as long as necessary to deal with the request.

26. Status of Policy and Review

The content and operation of this policy is reviewed on a regular basis by the Trust Board. The policy is discretionary and does not confer any contractual rights.