

LT2 Leave of Absence Policy

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LT2 Vision, Mission and Values

Vision

Vision is to build a group of outstanding schools across phases, including specialist provision, to become (a mid-size) Trust that provides vibrant and inclusive learning environments in which every member of the learning community is passionate about learning. The Trust is led by a CEO who works closely with Headteachers who lead the two schools supported by a central team to support finance, HR, estates and governance.

Mission

LT2 Trust and schools will have a relentless focus on high achievement, supported by robust organisational structures and governance. We aim to give children and young people in our care the knowledge, skills and experiences to expand their minds and world view to enable them to develop a naturally inquisitive approach to learning and life, fit for an ever-changing world.

Ultimately, we will educate and support all children attending LT2 schools to grow into capable and contributing citizens who have developed the personal attributes and characteristics that will enable them to become considerate, self-reliant and confident young people who are ready for the next stage of their lives.

Values

The Trust Values underpin the mission and provide the basis on which LT2 schools can articulate the key behavioural characteristics that promote a positive philosophy. Our six values are unseen drivers of our behaviour as experienced by others and are designed to create a shared organisational culture:

Kindness – The quality of friendliness, generosity, and consideration

Collaboration – The belief that working and learning with others will lead to greater success

Curiosity – A strong desire to know and to learn

Resilience – The ability to recover quickly and learn from the difficulties we face

Respect – To appreciate the importance of understanding and admiration for others and self, honesty

Endeavour – The belief that hard work is needed to achieve something of which we can be proud

Definitions

- Where the word 'Trust' is used in this document it refers to The Learning Today Leading Tomorrow Trust.
- Where the words 'Trust Board' are used it refers to the board of Trustees who set the vision for the Trust and hold the executive leadership team to account for delivering the Trust's strategic plan.

1. Organisation and Responsibilities

1.1 Introduction

Where possible, it is expected that all staff will try to arrange leave of absence during holiday periods for the trust. However, it is recognised that the nature of the working day and terms limits the flexibility of staff to take leave for personal reasons. It is also important to bear in mind that requests for leave 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.

The intention of this policy is to consider requests for annual leave and other leave which falls outside that covered under conditions of service, other policies or legislation. For example, arrangements in respect of adoption leave, maternity leave, parental leave and paternity leave can be found in the relevant policies. Reasonable requests for leave will be considered on an individual basis by the headteacher or CEO depending on nature of request. Any subsequent disputes will be resolved by the headteacher/CEO. Approval of annual leave will not be unreasonably withheld.

Generally, requests for leave must be made in writing to the relevant responsible individual. This may be via an online form (depending on the area of the trust).

It is recognised that, on some occasions, circumstances will arise that are not covered in this policy. In this case, the final decision on granting leave of absence will be at the discretion of the CEO.

1.2 Definitions

For the purpose of this policy, "Close relatives" shall include: a spouse or partner, child, stepchild, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, brother or sister-in-law, guardian or ward.

1.3 Guidance under this Policy

The Head of HR is responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

1.4 Board of Trustees

The Board of Trustees, as a corporate body, has the responsibility to set the strategic direction and objectives of all matters across the Trust.

The Board of Trustees is responsible for ensuring that high standards of corporate governance are maintained

The Chair of the Trust is responsible for managing the CEO, Trustees and Governors under this policy.

1.5 The Chief Executive Officer (CEO)

The CEO of Learning Today Leading Tomorrow Trust (LT2):

- Takes overall responsibility for the implementation of policies and procedures
- Must provide reports as appropriate to Trustees in relation to this policy
- Ensure that sufficient resources are allocated and authorised within the organisations budget to meet statutory procedures and standards across the Trust

- Is responsible for managing the Headteachers and centrally appointed staff under this policy

1.6 Headteachers

Headteachers of LT2 schools are responsible for:

- The implementation of and compliance with this policy within their school ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance
- Identifying training needs
- Communicating this policy to all relevant people within the school
- Managing school-based teaching and associate staff under this policy

1.7 Senior and Middle Leaders (and other Supervisory Roles)

Although the Headteacher is responsible overall for the implementation of this policy in their school, managers have some specific responsibilities:

- Applying this policy within their own department and area of work
- Resolving any issues members of staff refer to them, informing the Headteacher of any issues to which they cannot achieve a satisfactory solution with the resources available to them
- Where required, conduct formal meetings, undertake relevant training in relation to this policy and ensure effective and competent operation of this policy

1.8 Other Employee Duties

All employees have a responsibility to:

- Comply with this policy and to co-operate with the schools' leadership and management on all matters relating to it
- Undertake any training recommended by their line manager

1.9 Related Policies and Procedures

- LT2 Family Friendly Policy Suite
- LT2 Disciplinary Policy and Procedure
- LT2 Gender Reassignment Policy
- LT2 Managing Sickness and Absence Policy

1.10 Review

This policy will be reviewed every three years subject to statutory updates.

These procedures have been agreed by the board of trustees, who will approve them whenever reviewed.

2. Annual Leave

The trust's Holiday Year runs from 1 September to 31 August.

An employee’s annual leave entitlement is as specified in their individual contract of employment.

Where an employee’s annual leave entitlement increases with length of service, such entitlement is calculated from the beginning of the Holiday Year following the anniversary of completion of the service.

Full time employee’s annual leave entitlement includes the eight currently recognised Bank/Public Holidays in England and Wales.

These are:

New Year’s Day	Spring Bank Holiday
Good Friday	Late Summer Bank Holiday
Easter Monday	Christmas Day
May Day	Boxing Day

2.1 Teachers Annual Leave

Under the Working Time Regulations 1998 full time employees are entitled to 20 days' annual leave during each leave year in addition to the usual public holidays in England and Wales. Part-time employees' entitlement will be calculated pro-rata based on the hours they work.

Teachers are not permitted to take annual leave at any time during term time or on teacher training days. Teachers are deemed to take their annual leave during the trust closure periods where they will received their usual salary.

The headteacher should not normally receive any requests from teaching staff to take a holiday within term time and any requests within term time should be by exception.

2.2 Support Staff Annual Leave

Term Time Only Staff

Employees who are employed by the trust to work on a term-time only basis will not be permitted to take annual leave at any point during the academic terms of the School. Such employees are required to take annual leave as it accrues at the first available opportunity outside of the academic terms of the School.

Full Time (All Year Round)

Full time employees accrue annual leave at the rate of one twelfth of the employee’s annual leave entitlement (staff should refer to their contracts for their specific annual leave entitlement) from the first day of their employment with the Trust.

Annual leave payments will accrue from day to day and shall be payable in 12 equal instalments, monthly in arrears on or around the 28th of the month directly into the Employee’s nominated bank or building society account.

On termination of employment, employees will be entitled to be paid for annual leave accrued but not taken as at the date of termination of employment. If on termination of employment an employee has taken more annual leave than he or she has accrued in that Holiday Year, an appropriate deduction will be made from the employee’s final pay.

Employees are not permitted to carry over accrued annual leave from one Holiday Year to the next save in exceptional circumstances and at the sole discretion of the trust.

Employees must submit a request for annual leave in writing to the CEO or Head teacher as early as possible giving a minimum notice of 2 weeks in respect of proposed annual leave of less than 5 consecutive days and 4 weeks in respect of proposed annual leave of 5 or more consecutive days. If the request is approved, the employee should inform the Head of HR to ensure the leave period is recorded. For employees who are employed by the trust on “all year round” contracts, all periods of annual leave must be authorised in advance by the headteacher or CEO. Such employees must not make firm annual leave arrangements before receiving confirmation that the request has been authorised.

Full-time employees are not normally permitted to take more than 15 working days consecutive dates annual holiday at any one time. They are only permitted to take up to 5 days annual leave during term time or on inset days and only with the agreement of the headteacher/CEO.

Requests for annual leave will normally be granted on a “first come first served” basis. Owing to the needs of the School and its students, the School reserves the right to limit the number of employees who may be permitted to take holiday at any one time. The granting of all holiday requests will be subject to adequate cover available and the overall operational needs of the School during the proposed period of absence.

Employees may be required to work on a recognised bank/public holiday depending on the school’s operational requirements from time to time. The trust will aim to give as much notice as is reasonably practical of any such requirement. If employees are required to work on a recognised bank/public holiday they will be entitled to receive time off in lieu for the hours worked.

Part-time (All year Round)

Part-time employees’ annual leave entitlement is calculated pro-rata based on the hours they work. Hourly paid employees will be paid at their basic rate of pay; salaried employees will be paid their basic salary in respect of periods of annual leave. Overtime will not normally be included in the calculation of holiday pay unless:-

- It is overtime that the trust is contractually obliged to offer and the employee is contractually obliged to accept
- It is overtime that the trust is not contractually obliged to offer, but if it does, the employee is obliged to accept it and the employee does, in fact, regularly work it

The weekly holiday pay of Employees with no normal working hours will be their average weekly pay calculated over the 12 working weeks before the holiday is taken.

Part-time employees are entitled to bank/public holidays pro rata. Where the School closes on a bank/public holiday and the employee has exhausted their pro rata bank/public holiday entitlement, the employee will not be paid for this day. If the employee wishes to be paid for this day they should take this time from their annual leave entitlement.

Sickness

Whilst an employee is on long term sick leave, they may request to take any outstanding annual leave at that time by following the usual holiday request provisions outlined above. Employees are encouraged to do this within the leave year in which that holiday accrued, otherwise such leave may be lost.

Employees who are ill during a period of authorised annual leave may elect to take that holiday at a later agreed time, within the holiday year in which that leave accrued (unless exceptional circumstances apply), provided they have followed the School's sickness absence notification and certification procedure on each of the days they were incapacitated by reason of illness or injury.

Requests should be made in writing to the headteacher/CEO and should set out:

- The number of days during which the employee was incapacitated by reason of injury or illness during the period of leave in question
- How and to whom the sickness absence was notified and on what dates enclosing copy medical certificates where relevant
- The alternative dates that the employee would like to request to take in lieu

The headteacher/CEO will consider the employee's request and confirm where necessary that the sickness absence notification and certification was complied with. The Trust/School will then write to the employee confirming whether their request can be considered. Where a valid request is made, the employee will be invited to request holiday in the usual way (in writing to the headteacher/CEO) for the substitute days requested. The trust/school may require an employee to take all or part of any outstanding holiday entitlement during a period of notice to terminate the employment.

3. Other Leave of Absence

The Trust recognises that there may be times when employees will need to take additional time away from work and will comply with any statutory regulations regarding time off for employees.

Employees seeking to take leave of absence must gain approval from their CEO/Headteacher in advance of the leave commencing.

In exceptional circumstances, it may be necessary for employees to be absent from work before a request can be made and approved. In these circumstances, the request should be made as soon as possible, with approval or non-approval of the request being made retrospectively.

There is no intention to remove any rights previously conveyed to employees.

The granting of leave is at the discretion of the headteacher or the CEO, but approval will not be unreasonably withheld.

Where an employee wishes to challenge a decision, an appeal should be made to the headteacher or CEO.

The granting of leave will be monitored and reviewed on a regular basis to ensure fair and consistent application of the procedures for all employees.

There may be situations where paid leave is not appropriate, and in this case unpaid leave or time off in lieu arrangements may be considered.

There are two separate issues involved in the granting of additional leave: whether or not it should be permitted and, if it is, whether or not salary should be paid. It is the responsibility of the Headteacher/CEO to make decisions regarding leave,

and whether the leave should be paid. Every effort must be made to ensure that fairness and equity is applied when making such decisions.

This policy does not contain an exhaustive list of reasons as to why additional leave may be requested by employees. However, leave for a reason not listed below may also be granted at the absolute discretion of the Headteacher/CEO. All decisions must be based on an objective approach, applied consistently and a record kept of the reasons on which each decision is based.

The following sections cover some examples of leave of absence which may be requested (this is not an exhaustive list)

4. Time off for dependants

Under the employment Rights Act 1996, employees are entitled to take a reasonable amount of leave during working hours to deal with unexpected events involving one of their dependants. This leave will be unpaid. The trust is committed to a programme of action to make this policy effective and to bring it to the attention of all employees. No employee who takes time off in accordance with this policy will be subjected to any detriment.

All employees have a 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).

A dependant for the purposes of this policy is:

- An employee's spouse, civil partner, parent or child;
- A person who lives in the same household as the employee but who is not their tenant, lodger, boarder or employee;
- Anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in this Policy.

Employees are only entitled to take time off under this policy to provide personal care for a dependant where there is an immediate crisis.

If an employee knows well in advance that they wish to take time off to care for a dependant, rather than arrange for someone else to do so, this policy will not apply. The employee should take advice from the Head of HR if they need to take time off work in these circumstances.

For the right to time off under this policy to arise, it must be necessary for the employee to take action in relation to a dependant. Whether action is necessary will depend on the nature of the problem, the closeness of the relationship

between the employee, and whether someone else is available to assist. Action is unlikely to be considered necessary if the employee knew in advance that a problem might arise but didn't make alternative arrangements for a dependant's care.

Reasonable time off in relation to a particular problem will not normally be more than one or two days. However, the trust will always consider each set of circumstances on their facts.

4.1 Exercising the right to time off

The employee will only be entitled to time off under this policy if, as soon as is reasonably practicable, they tell the headteacher/CEO:

- The reason for your absence; and
- How long you expect to be away from work.

Where it is possible to do so in advance or when the employee returns to work after taking time off under this policy, the trust might ask the employee to provide evidence for their reasons for taking the time off.

In addition to the statutory right to time off for dependants, additional leave with or without pay may be granted in special circumstances at the discretion of the Trust. The trust shall consider granting reasonable paid time off for dependants.

Such additional leave (and whether this is paid or unpaid) will be granted at the headteachers/CEO's absolute discretion depending on the individual circumstances of the case.

5. Bereavement and Compassionate Leave

Bereavement leave is designed to help an employee to cope with the death of a close relative, to deal with necessary arrangements and attend their funeral.

Compassionate leave is designed to help an employee where they need to deal with necessary arrangements for or assist a close relative who is seriously or critically ill.

An employee may be granted up to:

- Two days' paid bereavement leave in any 12-month period, at the discretion of the Trust after careful and sympathetic consideration has been given to the circumstances of the case

The Trust may exercise its discretion to grant unpaid compassionate or bereavement leave in respect of any other relative or close friend, depending on the circumstances of each case.

If an employee is unable to return to work following a period of bereavement or compassionate leave they should contact the headteacher/CEO. It may be appropriate to take a period of sickness absence, annual leave or unpaid leave in those circumstances.

The trust recognises that it may not always be possible to request bereavement or compassionate leave in advance. However, where possible the employee should make a request to the headteacher/CEO in writing giving the reasons for their request and the number of days' leave they would like to take. Where it is not possible to request leave in advance, they should contact the headteacher/CEO as soon as possible.

In exceptional circumstances the trust may refuse a request for compassionate or bereavement leave.

6. Statutory Parental Bereavement Leave and Pay

The Statutory Parental Bereavement Pay (General) Regulations 2020 sets out -parental bereavement leave and pay as time off to deal with the death of a child, if they die under the age of 18 or are stillborn. Parents will also have a right to time off for dependants.

Eligible parents have a right to two weeks':

- Statutory Parental Bereavement Leave, if they're an employee
- Statutory Parental Bereavement Pay, if they're an employee or worker

This right will apply to the:

- Biological parent
- Adoptive parent, if the child was living with them
- Person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'Intended parent' – due to become the legal parent through surrogacy
- Partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

6.1 Parental Bereavement Leave

Parents have a right to take Statutory Parental Bereavement Leave if:

- They're classed as an employee
- Their child dies under the age of 18 or is stillborn after 24 weeks' pregnancy

Employees have this right from the day they start their job.

Statutory Parental Bereavement Leave can be taken in the 56 weeks following their child's death.

If more than 1 child dies, the employee is entitled to two weeks' Statutory Parental Bereavement Leave for each child.

6.2 Taking Statutory Bereavement Leave

An employee can choose to take either one or two weeks' leave.

If an employee takes two weeks, this can be taken in one go, or as two separate weeks. For example, they could take one week immediately after the death, and take the other week later on.

The leave must end within 56 weeks of the child's death. The date of the child's death is the first day of the 56 weeks.

An employee must tell the CEO/headteacher employer (give 'notice') to use Statutory Parental Bereavement Leave.

To give notice, the employee must tell their employer:

- When they want the leave to start
- Whether they want to take one or two weeks leave
- The date their child died

This notice does not have to be in writing.

The rules for giving notice depend on how long it's been since their child died.

If it's within eight weeks (56 days) of their child dying, an employee can start their leave as soon as they give notice. They must tell their employer before they start their leave. This can be on the first day of leave as long it's before they're due to start work. For example, if they've started work and give notice to start their leave straight away, Statutory Parental Bereavement Leave must start the following day. They can also cancel the leave, as long as they tell their employer before their leave starts. This can be on the day their leave is due to start, as long it's before they're usually due to start work. Any cancelled leave can be taken later by giving notice again.

If leave will be taken more than 8 weeks (56 days) since their child died, the employee must give their employer 1 weeks' notice:

- to take the leave
- if they want to cancel the leave

Any cancelled leave can be taken later by giving notice again.

6.3 Parental Bereavement Pay

Employees are entitled to two weeks' Statutory Parental Bereavement Pay if:

- Their child dies under the age of 18 or is stillborn after 24 weeks of pregnancy
- They were employed when their child died
- They'd worked for their employer for at least 26 weeks, on the Saturday before the child's death
- They earn on average at least £120 per week, before tax

Eligible employees and workers will get one of the following, whichever is lower:

- £151.20 a week
- 90% of their average weekly earnings

6.4 Claiming Statutory Parental Bereavement Pay

Employees must put their request (give notice) to receive Statutory Parental Bereavement Pay in writing to the headteacher/CEO. They must confirm:

- Their name
- Their entitlement to Statutory Parental Bereavement Pay
- The start and end dates of the leave they want to claim the pay for
- The date of their child's death
- Their relationship with the child

Notice must be given within 28 days of starting leave. If someone takes the 2 weeks off separately, they must give notice in writing for each week.

Employees can give notice for their leave and pay in one document.

7. Time off for medical appointments and medical treatment

Routine dental and medical appointments are not subject to the rules governing sickness absence. Where possible, such appointments should be arranged outside employee's normal working hours or at the very beginning or very end of the working day to minimise disruption.

Any time taken off for such routine appointments will be unpaid and agreed at the discretion of the Headteacher/CEO. Any payment of salary made by the trust in such circumstances is done so in its absolute discretion.

Any time off will be considered as unauthorised, unless it taken with prior written authorisation from the School, which is again at the discretion of the headteacher/CEO. The headteacher/CEO will keep a record of such appointments for absence monitoring purposes.

Employees may be required to submit medical documentation (e.g. an appointment card) to confirm details.

When an employee is unfit for work following a course of treatment, they will be required to submit a doctor's unfit for work note and the absence will be counted against their contractual sick leave and pay entitlement.

8. Fertility Treatment

Please see the LT2 Family Friendly Policy Suite for details relating to time off for Fertility Treatment.

9. Time off to Receive Ante-natal Care

Pregnant employees are entitled to take reasonable time off with pay during working hours to receive ante-natal care. The Trust may require an employee who wishes to take time off for this purpose to provide medical certification of her pregnancy and an appointment card (with the exception of the first appointment).

For more information, please refer to the 'Maternity/Paternity Leave' sections of the LT2 Family Friendly Policy Suite.

10. Elective Surgery

Elective surgery is surgery that is not considered to be medically necessary, for example because it is concerned with the enhancement of appearance through surgical and medical techniques. It includes cosmetic surgery (such as breast implants and face-lifts) and other non-essential medical procedures such as laser eye treatment and vasectomies.

The Trust wishes to support employees in their personal decisions; however, it is clearly important that the good operation of the School is not adversely affected, where this can be avoided. Therefore, if an employee wishes to apply for time off for elective surgery, they should speak to the headteacher/CEO as far in advance as possible of the day on which the surgery is to take place stating the period of leave requested and the reasons for it. Any information provided will be maintained in strict confidence and will only be disclosed on a "need-to-know" basis.

The following arrangements will normally apply in relation to elective surgery:

- Where possible, teaching and term-time support staff should arrange any such procedures during the school holidays in order not to miss any days of the school term. Where this is not possible, the employee should speak to the headteacher/CEO to discuss their circumstances.
- Support staff on 52 week contracts may use their annual leave entitlement to take time off for elective surgery, provided they comply with the trust's requirements for the taking of annual leave. (Staff should refer to their contracts of employment.)
- Staff may also be required to provide an appointment card and/or a statement from a qualified medical practitioner that elective surgery has been approved and confirming the time off required for recovery.

There is no contractual or statutory right to receive salary during time off for elective surgery and any payment of salary made by the trust in such circumstances is done so in its absolute discretion. Otherwise, staff may apply for unpaid time off, which may be granted in exceptional circumstances at the trust's absolute discretion.

11. Time off to Train

The Trust is committed to developing the skills of our employees and recognises that training can benefit the Trust and our staff. Staff should receive training appropriate to their role, subject to operational and budgetary considerations.

Members of the Senior Leadership Team are responsible for identifying and monitoring staff training and development needs on an on-going basis.

The Trust recognises that employees may still have a wish to further develop their skills.

Employees who wish to undertake any form of training relevant to their role should raise the matter informally with their headteacher/CEO in the first instance. For further information please refer to the time off to train procedure in appendix A.

12. Examination Leave

Examination leave to sit an exam may be given at the Trust's absolute discretion for qualification and short courses. Employees are referred to the particulars of any Training Agreement that they have entered into with the Trust and/or the Trust's Time off to Train policy for further information.

13. Public Duties

If an employee requires time off to perform a public duty, any period of paid or unpaid time off granted will be at the trust's absolute discretion. A public duty may include any of the following (not an exhaustive list):

- As a member of a local authority
- For a statutory tribunal (e.g. employment tribunal, special educational needs (SEN) tribunal)
- As a local councillor
- As a member of the General Teaching Council for England and Wales
- As a member of an exams board or examinations marker

- As a member of a board of visitors of the Independent Monitoring Board or prisons, remand centres or young offenders' institutions
- The reserve armed forces or retained fire fighters

13.1 Jury Service

Employees have a right to time off to serve on a jury.

If an employee is required to attend court for jury service, they should notify the headteacher/CEO of the date and estimated length of absence immediately on receipt of the jury summons in order for cover arrangements to be made on time.

The trust may ask the employee to attempt to delay their jury service. However, it is the employee's decision and an individual can only defer their jury service once.

The amount of time off will be granted subject to provision of appropriate evidence in the form of the original jury summons.

Employees are reminded that they can submit a claim to the court for travelling and food expenses and for loss of earnings. The court will supply the employee with a form which they should ask the School Business Manager to complete for them giving details of their rate of pay. Once complete, employees should take this form to the court with them on their first day of Jury Service.

On the first day of return after Jury Service, the employee should give the headteacher/CEO details of all the days or half days they were actually in court.

Employees who are required to attend court as a witness will be allowed special leave to undertake this duty.

13.2 Time off for Magistrate Duty

Employers must allow an employee who is a magistrate 'reasonable' time off work for their duties. Magistrates will need to be in court at least 13 days, or 26 half-days, per year. This leave is unpaid.

14. Time Off in Redundancy Situations

Employees under notice of dismissal for redundancy and who will have at least two years' service on the date that the notice expires are entitled to a reasonable amount of paid time off to look for other work or to make arrangements for re-training.

15. Time off to attend interviews

Where an employee is not under notice of dismissal for redundancy the Trust may permit up to three days of paid leave per term to attend interviews. However, any time off to attend interviews must be approved in writing by the headteacher/CEO at their absolute discretion, bearing in mind the operational requirements of the School/Trust.

If an employee wishes to take time off to attend an interview they must contact their headteacher/CEO/in writing, giving as much notice as possible of the interview to ensure that any necessary cover can be arranged should the leave be granted.

16. Time off for Health and Safety

Representatives under the Health and Safety at Work Act 1974 (as amended) a recognised trade union may appoint, or employees may elect, safety representatives from amongst the school's employees. These representatives are entitled to carry out relevant activities during what would otherwise be normal working hours.

17. Secondment

This is prolonged leave of absence concerning mainly the teaching staff, which allows an employee to work for another school or organisation. The employee returns to their job at the end of the secondment. Secondments which last a long time may cause problems of reintegration into the trust on the employee's return so the school will need to consider very carefully any request to be absent for more than a year. The granting of any secondment will be at the absolute discretion of the School/Trust. The terms of remuneration during a secondment will usually be agreed with the receiving organisation and will be at the absolute discretion of the School/Trust.

18. Religious Festivals and Observance

Employees who have particular religious or cultural needs which conflict with normal working arrangements may be allowed to take annual leave, flexi-leave where applicable or unpaid leave subject to service needs, or working arrangements may be adapted to enable such needs to be met where reasonably practicable. Staff wishing to take leave in accordance with their religious beliefs should submit a written request to the headteacher/CEO in advance of the time off requested, giving as much notice as possible and not less than 15 working days' notice.

19. Holidays during term time

Leave for the purpose of taking holidays in term time will not usually be granted. It is expected that all holidays will be arranged outside of term time except in exceptional circumstances. In those exceptional circumstances, if leave for this purpose is granted, it will be unpaid. Any requests for such leave should be made to the Line Manager in writing as soon as is possible and no later than 30 working days before the holiday is due to take place.

20. Moving House

Leave for the purpose of moving house, where this has not been possible to arrange on a weekend or during school closure periods will not usually be granted. It is expected that arrangements to move house will be made outside of term time except in exceptional circumstances. In those exceptional circumstances, if leave for this purpose is granted, it will be unpaid. Any requests for such leave should be made to the headteacher/CEO in writing as soon as is possible and no later than 5 working days before the day of leave is requested.

21. Time off in term time for events of close relatives

The Trust appreciates that there may be exceptional events of a close relative that may fall during term time, for example a wedding, graduation or passing out parade for military service.

For the purposes of this section of the policy a 'close relative' is defined as parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister or the spouse or unmarried partner of any of these people.

22. Exceptional Circumstances

Leave for any exceptional/one off events of up to one day duration may be granted at the absolute discretion of the Headteacher for school-based staff and the CEO for trust based employees, bearing in mind the operational requirements of the School and/or the Trust at the time of the event. If leave for this purpose is granted, it will be unpaid. Any requests for such leave should be made to the headteacher/CEO in writing as soon as is possible and no later than 15 working days before the day of leave is requested.

Leave for any exceptional/one off events of more than one day duration may be granted at the absolute discretion of the CEO in discussion with the Headteacher for school-based staff, bearing in mind the operational requirements of the schools and the trust at the time of the event. If leave for this purpose is granted, it will be unpaid or the employee may be asked to undertake alternative employment within the Trust during the regular school holiday periods. Any requests for such leave should be made to the Headteacher (for the attention of the CEO) for school-based staff and directly to the CEO for trust based staff, in writing as soon as is possible and no later than 15 working days before the day of leave is requested.

23. Taking Leave without Permission

If an employee takes leave without permission from the trust, the leave will be considered unauthorised unpaid leave and may result in disciplinary action being taken against the employee, including dismissal. Therefore, it is important that all employees follow the relevant procedures before taking leave for whatever reason

Suspected abuse of this policy will be dealt with as a disciplinary issue under the Trust's Disciplinary Policy and Procedure.

Appendix A – Time off to Train Procedure

Introduction

The Trust recognises that employees may have a wish to further develop their skills. Eligible employees have a statutory right to request time off work for study or training. The purpose of this policy is to provide a framework within which the Trust can consider those requests.

No-one who requests time off under this policy will be subjected to any detriment or lose any career opportunities as a result.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have any contractual effect. The Trust reserves the right to amend or depart from this policy at any time.

Requests made through usual departmental channels (for example, arising from a discussion between individuals and their line manager at a 1:1 meeting) should continue to be dealt with through normal departmental procedures. Only requests received in the format outlined should be responded to through the formal routes outlined in these pages.

If an individual makes a formal 'time off for training' application but the application does not meet all the criteria of the scheme, the line manager should explain to the applicant how the application falls short and allow them to re-submit their application.

The CEO is responsible for considering all requests under this policy.

The headteachers are responsible for advising the CEO in relation to specific requests under this policy.

Legislation

Since April 6 2010, all employees who have at least 26 weeks' continuous service have the right to request time off for training. This was introduced under the Apprenticeship, Skills, Children and Learning Act 2009, and incorporated into the Employment Rights Act 1996.

The new arrangements cover all training requested which is considered likely to improve "the employee's effectiveness in the employer's business" and "the performance of the employer's business".

The Time for Training regulations give employers certain duties: in particular there are statutory timescales for responding to requests made under the scheme. Departments which have appropriate procedures or lines of dialogue in place for staff to request training, and for line-managers to consider and respond to such requests promptly, are not required to make any specific changes to their practice. In such cases it is sufficient to ensure that line-managers are aware of the employee's statutory right, and the associated required response requirement, so that any formal requests that are received may be responded to in line with the regulations.

Who is covered by this procedure?

This procedure applies to employees only.

Employees may not ask for time off for training or study if they're:

- An agency worker
- Of compulsory school age
- A young person who's already got the right to take paid time off for study or training
- Aged 16 to 18 and already expected to take part in education or training
- Consultants or self-employed contractors

When can staff request time off to train?

To be eligible to make a formal request under this policy, the individual must:

- Be an employee
- Have worked for us continuously for 26 weeks at the date your request is made
- Have made no previous formal requests under this policy in the last 12 months

The Trust will disregard that a request was made in the proceeding 12 months in the following circumstances:

- If the trust agreed to the earlier request but the training was cancelled or the employee was unable to start it because of unforeseen circumstances that were not their fault
- If the employee withdrew the earlier request because it was not valid

What type of training is covered?

Any type of study or training can be requested under this policy. It does not matter how or where it takes place. For example, it could be:

- An accredited programme leading to a formal qualification
- An unaccredited skills-related training
- Training provided in the workplace
- A one-day training course provided by an external training provider
- A part-time college course
- An online training module (e-learning)
- A distance learning course

The study or training does not need to lead to a formal qualification. The only limitation is that it must be for the purpose of:

- Improving the employees effectiveness at work
- Improving the performance of the trust and school

The individual may request more than one type of training in a single request.

Making a formal time off to train request

To make a formal request under this policy an employee must submit it in writing via their line manager to the Headteacher or to the CEO if a member of the Executive team. The request should include the following information:

- A statement that the request is made under this policy
- The date of the request
- Include a statement that the application is made “under section 63F of the Employment Right Act 1996’
- The subject matter of the study or training
- Where and when it would take place
- Who would provide or supervise it
- What qualification (if any) it would lead to
- How the employee thinks the study or training would improve their effectiveness at work
- How the employee thinks the study or training would improve the performance of the Trust and school
- Details of any previous applications that have been made under this policy, the date of that application and how it was made (for example, whether it was by e-mail or letter and who it was sent to).

The Trust does not have to consider the request if all of this information is not included.

The request should be sent to the Headteacher (for school-based staff) or directly to the CEO (for Trust based staff). The Headteacher has 10 days to present the case to the CEO for consideration. The CEO has 28 days to:

- Accept the request
- Hold a meeting to discuss the request

If the CEO agrees to the request without the need for a meeting, the CEO will inform the employee in writing.

The CEO will treat the request as withdrawn if the employee:

- Tells the trust that they are withdrawing the request
- Fail to attend meetings without reasonable cause
- Unreasonably refuses to provide information the trust needs to consider the request.

In those cases, the Headteacher/CEO will write to confirm that the request has been treated as withdrawn. The employee will not normally be able to make another formal request for 12 months from the date of their original request.

Meeting

If it is appropriate to hold a meeting, the headteacher or CEO will arrange to hold a meeting with the employee at a mutually convenient time and place, within 28 days of receiving the formal request. The time limit may be extended by mutual consent.

If the person who would ordinarily hold the meeting is on annual leave or sick leave at the time of the request, the meeting will be held within 28 days of their return or within 8 weeks of the request, whichever is sooner. If necessary the employee should contact the Headteacher who will appoint someone else to hold the meeting.

The meeting will be used to discuss the request and, if appropriate, explore any alternatives.

The CEO/headteacher will tell the employee of its decision in writing within 14 days of the meeting unless this time limit has been extended by mutual consent and in writing.

If the Trust agrees to your request

Where the CEO agrees to all or part of the employee's request the trust will give them a written and dated notice containing the following information:

- Which part of the request is agreed
- If any part is not agreed, which part of the request has been rejected
- The subject of the agreed study or training
- Where and when it will take place
- Who will provide or supervise it
- What qualification (if any) it will lead to
- Any changes to the employee's working hours in order to accommodate the agreed study or training
- Whether the employee will be paid for carrying out the study or training
- How any tuition fees or other direct costs of the agreed study or training will be met

In some cases, the trust or school may suggest changes to the request. For example, the Trust/school may suggest a different course of study or training, or may suggest an alternative time or place. These may be discussed at the meeting or may require discussion afterwards. The written notice of the Trust's decision will set out any changes that the employee has agreed to. The Trust will ask the employee to sign and return a copy of the notice to show their agreement.

The Trust does not have to pay the employee while they are taking time off for study or training requested under this policy, unless this is necessary in order to comply with minimum wage legislation. However, in some cases the Trust may agree to pay for some or all of the time off.

The Trust does not have to pay the costs of study or training requested under this policy (including any associated costs such as travel expenses). However, in some cases the Trust may agree to meet some or all of those costs.

If the Trust rejects all or part of your request

Where the CEO rejects all or part of the employee's request, the CEO will give a written and dated notice containing the following information:

- Which part of the request is rejected
- If any part is agreed, which part of the request has been agreed
- Which of the grounds for rejection set out below applies and the reasons why
- The appeal procedure

The CEO may reject the request for any of the following reasons:

- That the proposed study or training would not in the trust's view improve the employee's effectiveness at work and the performance of the business
- The burden of additional costs
- Detrimental effect on ability to meet the demands of the Trust
- Inability to reorganise work among existing staff
- Inability to recruit additional staff

- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods that the employee proposes to work
- Planned structural changes
- Any other reasons that the Government sets out in future regulations

Appeal

The employee may appeal if the Trust rejects all or part of their request. The appeal must:

- Be in writing and dated
- Set out the grounds on which they are appealing
- Be sent to the Chair of the Board of Trustees no more than 14 days after the employee receives the written notice of our decision

The Trust may decide to uphold the appeal in full without a meeting. In all other cases, the Chair of the Board of Trustees will arrange for an appeal meeting to take place within 14 days of receiving the appeal, unless the Trust agrees a longer time limit with the requester. The meeting will be held at a convenient time for all those attending and the employee may bring a colleague as a companion. The appeal meeting will be held by the Chair of the Board of Trustees.

The Trust will tell the employee the outcome of the appeal in writing within 14 days of the meeting, unless both parties mutually consent to a longer time limit. That decision will be final and the employee will not be able to make another formal request until 12 months after the date of their original request. If the Trust upholds the appeal, the Trust will give the employee the information set out above (see 'If the Trust agrees to your request'). If the Trust rejects your appeal, it will explain the reasons in writing.

If we need more time

There may be exceptional occasions when it is not possible to adhere to the time limits in this policy. For example, the Trust may need to delay holding a meeting or notifying the employee of the decision. The Trust will ask for the employee's agreement to extend the time limit and will confirm in writing any agreement reached. In many cases this will be in the employee's interests as it will enable the appropriate person to consider the request properly.

Changes to agreed study or training arrangements

The employee must tell the trust in writing immediately if they:

- Do not start the agreed study or training for any reason (for example, if it is cancelled)
- Do not complete the agreed study or training
- Undertake (or wish to undertake) a different course of study or training

The employee should also tell the Trust immediately if they become aware of any changes to agreed study or training, including changes to the timing or content of the course.

Repayment of training fees where an employee leaves or does not complete training

Where the Trust has either contributed to or covered the costs of any training, should the employee leave the Trust within 18 months from the date of incurring external and/or education course fees the Trust reserves the right to recover all or some of these costs including travel and accommodation expenses and normal remuneration paid to the employee whilst on training and/or study leave.

This is calculated in accordance with the following formula:

Sum repayable = $E \times [18-M]/18$ where:

E = Training expenses met by the Trust in the preceding 18 months including travel and accommodation expenses and normal remuneration paid to the employee whilst on training and/or study leave.

M = number of complete months since completion of training

Should an employee decide not to finish a course the Trust reserves the right to recover all or some of the costs including travel and accommodation expenses and normal remuneration paid to the employee whilst on training and/or study leave.

The sum repayable would be an amount up to the amount of training expenses met by Trust in the preceding 18 months including travel and accommodation expenses and normal remuneration paid to the employee whilst on training and/or study leave.

Pro-forma letter: responding to a time off for training request. If the request is to be accepted

Dear

Thank you for your [letter/email] dated [insert date] in which you requested to take time off to undertake training in [insert subject of the training requested].

I/We have given this request careful consideration and I am delighted to let you know that I/we are happy to accept your request. The time that you have requested will be granted on [delete as appropriate] a paid basis/ an unpaid basis/the basis that you will make up the time that you need to take away from work for training. The department will/will not be able to meet the cost of this training.

The training will take place in [insert location] on [insert date] for a period of [insert length of training period] [insert the following if appropriate] and will lead to you being awarded the following qualification. [insert details of qualification].

If you are unable to undertake this training, please let me know as soon as possible.

Pro-forma letter: responding to request where a meeting is required to discuss the application.

(N/B Requests should not be refused unless a meeting has been held)

Dear

Thank you for your [letter/email] dated [insert date] in which you requested to take time off to undertake training in [insert subject of the training requested].

I would like to meet with you to discuss this application and suggest that we meet at [insert time/date/location of meeting].

You are entitled to be accompanied at this meeting by a work colleague or a Trade Union representative if you wish. Would you please inform me prior to the meeting who you intend to have accompanying you. Please contact me if you require any assistance in making the arrangements.

Proforma Letter: responding to a request, if the request is to be rejected

(N/B a meeting should be held before a decision to reject a request is made)

Dear

Thank you for your [letter/email] dated [insert date] in which you requested to take time off to undertake training in [insert subject of the training requested].

Further to our meeting of [insert date] at which we discussed this request, I/we have given your request very careful consideration and am sorry to have to advise you that we are not able to accommodate your request for the following reason(s) [delete as appropriate]

we do not consider that the proposed study or training would improve your effectiveness in your current role

we do not consider that the proposed study or training would improve the performance of the department

we consider that the proposed study or training would have a detrimental impact on performance/quality/our ability to meet customer demand

the burden of the additional costs involved is too great

we would be unable to reorganise work amongst your colleagues/r

we would be unable to recruit additional staff to cover your absence

there would be insufficient work for you to do during the periods you propose to work

there are planned structural changes during the proposed study or training period

[Give a full explanation together with supporting evidence]

You have the right to appeal against this decision. If you wish to appeal you should do so in writing setting out the grounds for your appeal within 14 days of receipt of this letter.

If you have any questions on the information provided in this letter please contact me to discuss them as soon as possible.