# STAFF LEAVE AND ABSENCE POLICY

## Version 1.0

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| **Date approved by Trustees of Ventrus Multi Academy Trust** | **20th March 2024** |
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## 1. INTRODUCTION

Ventrus Multi-Academy Trust recognises and values the contribution of each member of staff to the education of the children in the Trust schools.

High levels of absence between teaching and support staff pose a serious problem for a school in terms of disruption to teaching programmes, pupils' learning and other areas of the school's work. The Trustees are committed to managing attendance so that any disruption to the pupils' education or the effective running of the school is minimised. Equally it recognises that during the course of employment, colleagues will occasionally be absent from work through ill health, maternity and other authorised circumstances.

Absence of any staff employed in schools during term time means some impact on the children's education. Therefore, requests from any member of staff for absence to be taken during term time must be regarded by all as the exception. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will not be granted.

This policy gives details of entitlements of members of staff in relation to absence. The number of days' entitlement given in the table below are days per occasion of absence.

Part-time staff will have the entitlement for leave from work reduced in proportion to the percentage of time they work.

The Managing Sickness Absence Policy assists managers in taking action to arrange any appropriate support that may prevent maximum attendance of staff. This Staff Leave and Absence Policy will therefore be used in conjunction with the Managing Sickness Absence Policy if the amount of absence taken under this Staff Leave and Absence Policy is not considered reasonable.

## 2. SEEKING APPROVAL FOR LEAVE FROM WORK

All staff will be required to follow Ventrus Multi-Academy Trust procedures for requesting leave of absence and for reporting absence.

Authorised paid and unpaid absence from work for the reasons given in this policy requires prior approval unless in exceptional circumstances where this has not been possible.

Requests for paid or unpaid leave must be made in writing to the Headteacher with full reasons for the request. Requests by the Headteacher should go to the Directors of School Improvement (DOSIs). Requests by the DOSIs should go to the Chief Executive Officer (CEO).

The request should be made as soon as it is known that it will be required, and in any case not less than one full week in advance of the proposed absence, except in exceptional circumstances such as the death or sudden illness of a family member.

In the event that prior approval is not obtained, and the staff member proceeds to take holiday, action may be taken in line with the Trust's Disciplinary Policy.

In relation to changing days of work, if part time staff wish to swap their working day or arrangement, with another member of staff they must request permission from the Headteacher via email, giving full details of the final proposal.

The Trustees have given delegated authority to the Headteacher to approve leave of absence requests for up to 5 days (10 days for parental bereavement leave, see chart below). For anything greater the Headteacher must discuss each case with the DOSI/Executive Leadership Team (ELT) member and act on the recommendation made. It is important that an email trail is kept by the headteacher showing approval from the DOSI.

**Parental bereavement leave** allows up to 10 days' absence in the event of the death of a child under the age of 18. Headteachers are asked to discuss requests for this period to be increased with the relevant member of the ELT, as appropriate.

## 3. DENTAL AND MEDICAL APPOINTMENTS

It is expected that dental and medical appointments will be made out of school hours wherever possible. It is recognised that in some circumstance, such as an appointment being expected from a hospital, that this may not always be possible. However, appointments in work time should be kept to a minimum and cause as little disruption as possible. In any event, prior approval to attend an appointment will need to be sought and agreed.

## 4. EMERGENCIES INVOLVING DEPENDANTS

All employees have the right to take a reasonable period of unpaid time off during working hours to deal with an emergency involving a dependant. A dependant is defined as a spouse/partner, child or parent, or someone who lives with the employee as part of his/her family, i.e. not someone who lives in the house as an employee, tenant, lodger or boarder (NB: civil partners should be considered in the same way as spouse/partner). In the case of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

## 5. PARENTAL LEAVE

Employees with a child up to the age of 18 years at least one year of continuous service with Ventrus Multi-Academy Trust are entitled to parental leave. In the case of an adopted child, the same provisions as above apply or eighteenth anniversary of their adoption, whichever comes first. Parental leave is only available for the purpose of caring for a child, for whom the employee has parental responsibility. A child is a person under the age of 18.

Parental leave is unpaid and the maximum entitlement is 18 weeks leave (pro rata for part-time staff) for each child, in total. The leave must be taken in blocks or multiples of one week, and the maximum entitlement in any leave year is four weeks.

Parental leave is for each child, so if twins are born each parent will be entitled to 18 weeks leave for each child.

Parents of disabled children are able to use their leave over a longer period, up until the child's 18th birthday and may take the leave a day at a time, if required.

The employee must give at least 21 days' written notice of the period during which parental leave is requested.

If a father wishes to take parental leave following the birth of a child (in addition to paternity leave), he is required to give at least 21 days' notice to his employer, stating the expected week of commencement of the parental leave and the duration of that leave.

In the case of adoption, a parent must give at least 21 days' notice stating the week in which he/she expects to adopt the child. The duration of the leave must also be stated.

Prior to approving the first request for parental leave the school will need to see the birth certificate, adoption paper or proof of disability living allowance.

The Headteacher is able to require an employee to postpone his/her parental leave for up to six months, where the school cannot cope. Notice of postponement will be given no more than seven days after the request and will state the reasons for postponing the parental leave and when it can be taken. The leave must be granted for the same period as the original request and will begin on a date determined by the Headteacher, after consultation with the member of staff and be not more than six months after the date originally requested.

Parental leave cannot be postponed when the member of staff gives notice of parental leave to be taken immediately after the birth of their child or at the time of adoption.

The school will accurately record when an employee takes Parental Leave as new employers may seek a declaration of how much Parental Leave has been taken.

## 6. CARER'S LEAVE

From 6 April 2024 the law recognises that there may be occasions when employees need to take time off work to care for dependants with long term needs.

**Dependant** means an employee's spouse or civil partner, parent, child or someone who lives in the same household as part of the employee's family or someone who reasonably relies on the employee for assistance.

**Long term need** means an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months, a disability under the Equality Act 2010, or needs connected with old age.

### 6.1 Entitlement

Where an employee is eligible to take carer's leave, they may take between half a day and one week of leave in any period of 12 months (which ends on the last day of the carer's leave the employee has requested). Carer's leave need not be taken on consecutive days. The employee will only be entitled to time off for carer's leave under this policy if they:

- have a dependant with a long-term need.
- want to be absent from work to provide or arrange care for that dependant; and
- have not taken more than one week of carer's leave during the 12-month period which ends on the last day of the carer's leave the employee has requested.

### 6.2 Exercising the right to time off

The employee must give notice of their intention to take carer's leave. Notice must be provided either (i) twice as many days in advance as the number of days of leave requested; or (ii) three days in advance of the earliest day specified in the notice. See Appendix 3 – Carer's Leave Request Form.

The notice should specify that the employee satisfies the eligibility requirements (above), the days on which the carer's leave is to be taken and whether the leave relates to part of a day or a full day.

Although Ventrus will try to accommodate the employee's request for carer's leave, Ventrus may postpone the employee's requested leave where it reasonably considers that it would cause disruption to the pupils' education or the effective running of the school. In these circumstances, Ventrus shall consult with the employee and permit them to take a period of carer's leave of the same duration as the period identified in their notice on a date which is no later than one month after the earliest day or part day of their original request for carer's leave.

Ventrus shall send the employee a written notice of postponement as soon as reasonably practicable, which shall state the reason for the postponement and the agreed date that they can take carer's leave. In any event, it shall be sent no later than:

- seven days after the employee's original notice was given to Ventrus: or
- before the earliest day or part day requested in the employee's notice.

If the employee fails to notify Ventrus that they wish to take carer's leave as set out above, they may be subject to disciplinary proceedings under our Disciplinary Policy & Procedures for taking unauthorised time off.

Ventrus may in some cases ask the employee to provide evidence for their reasons for taking the time off, either in advance or on their return to work. Suspected abuse of this policy will be dealt with as a disciplinary issue under our Disciplinary Policy & Procedures.

### 6.3 Unpaid Leave

The right to take time off for carer's leave does not include a statutory right to pay.

## 7. OTHER TYPES OF LEAVE

Requests for other types of leave will be managed in accordance with the information in the table on the following pages.

## Appendix 1: REASONS FOR LEAVE WITH PAY

| Reasons for leave with pay | Teachers | Support staff |
|---|---|---|
| **Sickness** | See Section 4 of the "Burgundy Book" | See Part 2, Section 10 of the "Green Book" |
| **Annual Leave** | Not Applicable | See Part 2, Section 7 of the "Green Book" for all year round staff, not applicable for term time only staff |
| **For officials of Trade Unions to perform I.R. duties/undertake approved training** | i) Regular release, and/or<br>ii) Occasional release and/or<br>iii) Consultative meetings convened by the Trust | Authorities shall provide the necessary facilities to Trades Unions including paid leave of absence to carry out their duties. Clarify the local agreement |
| **For Safety Representatives to perform duties and undertake associated training** | i) Regular release, and/or<br>ii) Occasional release and/or<br>iii) Consultative meetings convened by the Trust | Clarify the local agreement |
| **Ante-natal care for expectant mothers** | The right to paid off time to attend ante-natal care on production of evidence of appointments if requested. "Burgundy Book" Section 5 para 3 – Maternity Scheme | The right to paid off time to attend ante-natal care on production of evidence of appointments if requested. |
| **Attendance as elected members at local authority meetings and properly established committees** | Up to 20 days per year or equivalent | Up to 144 working hours |
| **For members of another school's Trustees** | Up to a maximum of 4 half-days per annum depending upon the reasonableness of the request | Up to a maximum of 4 half-days per annum depending upon the reasonableness of the request |
| **Magisterial duties** | Minimum attendance requirement including training and membership of a statutory tribunal not exceeding 20 working days a year | Minimum attendance requirement including training. |
| **Candidates for Parliamentary Elections** | Normally not more than 5 working days | Up to 3 weeks' paid leave of absence during period up to and including polling day |
| **Lecturing in professional capacity on condition that all fees to be paid to school** | At the discretion of the Trustees. | At the discretion of the Headteacher up to a maximum of 5 working days. At the Discretion of the Director of School Improvement / ELT member up to a maximum of 12 working days |
| **Duties in connection with external examinations** | Refer to the Burgundy Book - Appendix 2. | At the discretion of the Headteacher |
| **Sitting examinations relating to professional development** | Employees are entitled to be paid leave of absence for the purpose of sitting for examinations concerned with the teacher's professional development to the benefit of the school | Employees are entitled to be paid leave of absence for sitting for approved examinations. Additional leave may be granted for final revision for approved examinations |
| **Attendance at approved conferences** | At the discretion of the Headteacher subject to conference being of benefit to school and the teacher's professional development | Up to 12 working days in any one year Grey Pages 4.6(b) |
| **Weddings of close relatives i.e. sibling, parent (or** | At the discretion of the Headteacher | At the discretion of the Headteacher |

| | | |
|---|---|---|
| **another family member/carer who brought up the employee) or children or corresponding relatives in law** | | |
| **Times of severe weather** | Permission to leave early should not be unreasonably refused. Headteacher to ascertain whether possible for teachers to undertake work activities at home in order to fulfil their statutory obligation to work for 195 days in the school year | Permission to leave early should not be unreasonably refused.<br>Lost hours should be made up where annual leave cannot be taken |
| **Jury Service or attendance as a witness in Court proceedings** | For the required period subject to the employee claiming for loss of earnings | For the required period subject to the employee claiming for loss of earnings |
| **Screening for breast and cervical cancer** | For reasonable periods where attendance in school time cannot be avoided | For reasonable periods where attendance in school time cannot be avoided |
| **Members of non-regular forces – annual training** | Up to two weeks – the second of which is to be unpaid | Up to two weeks (Grey Pages paragraph 4.6(g)) |
| **Potential redundancy** | Reasonable time to seek alternative employment | Reasonable time to seek alternative employment |
| **Interviews / selection processes for other posts** | For all posts | For all posts |
| **Serious/critical illness of a close relative i.e. spouse, civil partner, partner, sibling, parent (or other relative /carer who brought up the employee), child or corresponding relatives-in-law who lives within the members of staff or lives alone** | In cases of critical/serious illness of close relatives, up to one week's paid leave.<br><br>In other relationships, applications for unpaid leave should be addressed in writing to the Headteacher to consider. | For critical/serious illness up to five working days for all year round staff, half of which will be taken from annual leave or will be unpaid. Up to two and half days for term time only staff. Can include taking children to hospital. |
| **Death or critical illness of a close relative i.e. spouse, civil partner, partner, sibling, parent (or other relative/carer who brought up the employee), child or corresponding relatives-in-law**<br><br>**Children under 18:**<br><br>**In the event of the death of child under 18 years of age, parental bereavement leave is an entitlement for bereaved parents to be absent from work, for up to two weeks.** | Up to five working days.<br><br>**Children under 18:**<br><br>Up to ten working days<br><br>Parents can take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death. This means they can match their leave to the times they need it most, which could be in the early days or over the first anniversary. | Up to five working days.<br><br>**Children under 18:**<br><br>Up to ten working days<br><br>Parents can take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death. This means they can match their leave to the times they need it most, which could be in the early days or over the first anniversary. |
| **House removal** | One working day with as much advance notice as possible. | One day (term time only employees). Grey Pages 4.6(j) |

| | | |
|---|---|---|
| **Sports representation as competitor at national/ international level** | At the discretion of the Headteacher | At the discretion of the Headteacher |
| **Work Life Balance day. Given with HT discretion for reasons not covered by any of the above. This is to be formally requested with as much notice as possible. Consideration will be given with regard to staffing levels, other requests and the timeliness of the date. Days may not be carried over nor taken as an entitlement** | One day per Annum | One day per Annum |
| **Carer's Leave** | The right to up to one week unpaid leave from work each year | The right to up to one week unpaid leave from work each year |

## APPENDIX 2: REASONS FOR LEAVE WITHOUT PAY

| Reasons for leave without pay | Teachers | Support staff |
|---|---|---|
| **Non-serious illness of an employee's child/dependent (falls under the provision of Emergency Time Off for Dependants)** | In the case of a sick child/dependent with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made.<br><br>The first day would fall under the Emergency Time Off for Dependants provisions and will be paid (subject to a maximum of one day/part day per term). Subsequent days will be unpaid. | In the case of a sick child/dependent with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made.<br><br>The first day (or part day) would fall under the Emergency Time Off for Dependants provisions and will be paid (subject to a maximum of one day/part day per term). Subsequent days will be unpaid. |
| **An unexpected or sudden problem involving someone who depends on your help or care (falls under the provision of Emergency Time Off for Dependants).** | Up to two days to deal with the emergency and make any arrangements that are needed | Up to two days to deal with the emergency and make any arrangements that are needed |
| **Graduation ceremony – employee's own partner, son, daughter or close relative** | At the discretion of the Headteacher | At the discretion of the Headteacher |
| **Court hearings – other than those covered under "With Pay" sections – including divorce proceedings, custody of children, maintenance payments and other Court appearance where the member of staff is defendant or involved in non-criminal proceedings** | At the discretion of Headteacher | At the discretion of the Headteacher |
| **Religious devotion days** | At the discretion of Headteacher | At the discretion of the Headteacher |
| **Funerals – other than close relatives as in "With Pay" section** | At the discretion of Headteacher | At the discretion of the Headteacher |
| **House removals – in excess of one day** | At the discretion of the Headteacher | At the discretion of the Headteacher |
| **Sporting representations below national level** | At the discretion of Headteacher Normally, not more than ten school days in a year. | At the discretion of the Headteacher |
| **Delays on return to school caused by industrial disputes** | At the discretion of the Headteacher | At the discretion of the Headteacher |
| **Special family flights where spouse or civil partner is in the armed forces** | At the discretion of the Headteacher | At the discretion of the Headteacher |
| **Hospital appointments for children where both parents wish to attend** | At the discretion of the Headteacher | At the discretion of the Headteacher |
| **Visits overseas other than for professional development** | At the discretion of the Headteacher | At the discretion of the Headteacher |

| | | |
|---|---|---|
| **Attendance on courses for personal development not considered beneficial to the school** | At the discretion of the Headteacher | At the discretion of the Headteacher |
| **Weddings – Employees own wedding and for those other than relatives first degree** | At the discretion of the Headteacher | At the discretion of the Headteacher |
| **Accompanying a pregnant woman, with whom they are having a child, at ante-natal appointments** | Up to two ante-natal appointments. See Maternity and Adoption Support Leave Policy | Up to two ante-natal appointments. See Maternity and Adoption Support Leave Policy |

**Additional leave with pay may be granted in special circumstances by ELT following agreement by Trustees**

**APPENDIX 3: Carer's leave request form**

## Carer's leave request form

| **Request for Carer's leave** | |
|---|---|
| **Employee's Name:** | |
| **Employee's Payroll ID:** | |
| **Job title:** | |
| **Department:** | |
| **Start date:** | |
| **Please confirm each day or half day that you are requesting Carer's leave:** | |

| **A: Declaration (please tick – you must meet this criterion to take Carer's leave):** | |
|---|---|
| I will be absent from work for the purpose of providing or arranging care for a dependant | |

| **B: Declaration (please tick one option):** | |
|---|---|
| The dependant is my spouse, civil partner, child, or parent **OR** | |
| The dependant is a person who lives in the same household as me (other than as a lodger, tenant, boarder, or employee) **OR** | |
| The dependant is a person who reasonably relies on me to provide or arrange care | |

| **C: Declaration (please tick one option):** | |
|---|---|
| The dependant for whom I request Carer's leave has an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months **OR** | |
| The dependant for whom I request Carer's leave has a condition that amounts to a disability under the Equality Act 2010 **OR** | |
| The dependant for whom I request Carer's leave requires care for a reason connected with their old age. | |

| **Notes:**<br><br>You must meet the criterion under Declaration A, as well as one criterion under Declaration B and one criterion under Declaration C.<br><br>Carer's leave is unpaid, but all other benefits will remain in place. For example, holiday entitlement continues to accrue and pension contributions will continue to be paid. | |
|---|---|
| **Employee Signature:** | |
| **Date:** | |

| **Manager Approval** | |
|---|---|
| **Name of Approving Manager:** | |
| **Approving Manager's signature:** | |
| **Date:** | |
| **Carer's leave taken in the last 12 months:** | |

*Please send this completed form to HR@Ventrus.org.uk, if you have any questions please contact ssamuel@ventrus.org.uk, thank you.*

## APPENDIX 4: POLICY HISTORY

| Policy Date | Summary of change | Contact | Version/ Implementation Date | Review Date |
|---|---|---|---|---|
| March 2015 | Revised Policy to reflect updated format as well as revisions to the following sections:<br>• parental leave from April 2015<br>• Interviews / selection processes<br>• time off for teachers in the case of non-serious illness of close relative.<br>• Time off to attend antenatal appointments | HR ONE | March 2015 | |
| May 2016 | Revise policy regarding interviews for other posts | SL | TBC July 2016 | |
| May 2016 | Revise policy regarding non serious illness of an employee's child | SL | TBC July 2016 | |
| March 2018 | Revise policy to reflect the Trust's Leadership structure and terminology | SL Updated Nov 17 Contact: SS | March 2018 | 2020 |
| August 2020 | • Revise policy to reflect change of Principal to Headteacher.<br>• Interview expenses to be funded (p8)<br>• Update relating to Parental Bereavement Leave (para 2 and chart on p9) | SS | | |
| April 2024 | • Section 2 – email trail required showing DOSI approval<br>• Addition of Carer's Leave (the right to one week of unpaid leave each year) | | | |
| Nov 2024 | • Update to Section 2 in relation to seeking approval for leave from work. | SS | | |