



HCAT

Leave of Absence

Policy

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HCAT Leave of Absence Policy

1. Introduction

- 1.1 This policy is intended as a guide to ensure a fair, consistent, and reasonable approach when considering applications for leave of absence, whilst recognising local demands and circumstances will vary between academies.
- 1.2 In each HCAT school, leave of absences are approved by a nominated colleague at Senior Leadership Level to ensure consistency. Any requests that fall outside this policy or relate to extreme circumstances are passed to the Principal/Executive Headteacher for approval.

2. Scope

- 2.1 This policy applies to all employees of HCAT (the Trust) including those employed by Academies within the Trust.

3. Principles

- 3.1 The Trust recognises that there may be occasions where employees need to take time off work for a range of reasons and this policy sets out the approach to be adopted when managing requests for leave of absence and the circumstances in which paid leave and unpaid leave may be granted.
- 3.2 Approval of Leave of Absence requests is at the discretion of the Headteacher and may be approved with pay or without pay dependent upon the circumstances and in accordance with the provisions set out in the policy.
- 3.3 Teaching staff and support staff on term time only contracts have no entitlement to annual leave during term time. However, employees have an entitlement in law to time off work in certain circumstances should they fulfil the qualifying conditions. These circumstances are clearly set out in this policy.
- 3.4 It is expected that all appointments, wherever possible, are made in an employee's own time. Evidence of the appointment must be provided.
- 3.5 Where requests for Leave of Absence exceed 6 days in a 12-month period, unless there are exceptional circumstances around the requested Leave of Absence, this will become a cause for concern and a meeting will be held with the employee with the potential outcome being that no further Leave of Absence will be approved.
- 3.6 Any abuse of the Leave of Absence Policy will be dealt with in accordance with the Trusts Disciplinary Policy.

4. Applying for Leave of Absence

- 4.1 All staff must complete a **Leave of Absence Form (Appendix 1)** and this should be submitted to the appropriate person within each school for approval. Once consideration has been given to the application, the employee will receive confirmation that their application has been approved or not approved, with pay or without pay.
- 4.2 Requests for leave of absence in most cases should be made prior to the event, giving as much notice as possible. However, in the case of compassionate leave and dependents leave this may not always be possible. In cases where notice has not been given, the employee should complete the application form at the earliest possible point after the event.

- 4.3 Requests for leave of absence to attend any medical or dental appointments must be submitted with supporting evidence for example the letter confirming the appointment. Evidence to support other requests for leave of absence may also be requested depending on the circumstances.
- 4.4 The approval of leave of absence is not automatic as decisions are made dependent on the individual circumstances and operational requirements of the school and therefore employees should not assume their request has been approved until confirmation is received from the relevant person.
- 4.5 Employees, who are not satisfied with the decision taken regarding their request, will have the right to appeal against the decision through **stage 2 of the Grievance Resolution Procedure**.

5. Roles and Responsibilities

- 5.1 The Line Manager/Headteacher is responsible for approving requests for leave of absence. The individual school may decide to delegate this function to a member of their Leadership Team. The Line Manager/Headteacher remains responsible for ensuring decisions are made fairly and consistently within their school and in accordance with the policy.
- 5.2 Each school must also ensure that there is a person responsible for informing Payroll when requests for time off have implications for payroll, e.g. leave approved without pay or jury service. In addition, the Line Manager/Headteacher must ensure that a system is in place for recording requests for leave of absence and the decisions made so that the application of this policy can be monitored, reviewed and amended over time if required.

6. Reasons for Leave of Absence

Reason for leave of absence	Period of absence	With/without pay
COMPASSIONATE LEAVE		
Serious illness of a close family member* or dependent	Up to 5 days (over a 12 months' rolling period)	With pay
Bereavement of a close family member* or dependent	Up to 5 days including attendance at the funeral (see note below)	With pay
Additional leave without pay may be approved at the discretion of the Executive Principal/Principal/Headteacher/Head of School		
In the case of requests for leave for reasons relating to bereavement, employees should note that there isn't an automatic entitlement to 5 days nor a full day on each occasion. The amount of leave approved will be dependent upon the closeness of the relationship with the deceased and the level of involvement the employee has in making the funeral arrangements, along with the timing and location of the funeral.		
<i>*A close family member is normally defined as a partner, parent, child, grandparent, grandchild, brother or sister. However, this definition is not exclusive and is dependent upon individual circumstances.</i>		
Attendance at funerals other than close family members	Up to 1 day - dependent upon the timing and location of the funeral	With pay

CARERS LEAVE

The Carers Leave Act 2024 provides employees with a statutory right to take unpaid carers leave if they have a dependent with a long-term care need.

A “dependent” is defined as:

The employees’ spouse, civil partner, child or parent;

- Someone who lives in the same household as the employee. Other than boarders, employees, lodgers or tenants; or
- Someone who reasonably relies on the employee to provide or arrange care.

A “long-term care need” means any of the following:

- The dependent has a disability under the Equality Act 2010 (i.e. a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal daily activities) or
- The dependent needs care for a reason connected with their old age.

Time off to care for a dependent as defined above.	Up to 5 days within a 12-month rolling period, pro rata for part time employees. The 5 days can be taken as a block, as half days, or individual days across the rolling 12-month period.	Without pay
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An employee needs to give at least twice as many days and the intended period of leave, or three days, whichever is greater. For example, a block of 4 days requires at least 8 days’ notice of their intention to take carers leave, or if they intend to take 1 day, then at least 3 days’ notice needs to be given. A request for carers leave cannot be refused, but it can be postponed. Where it has been postponed, written notice of postponement will be given within 7 days of receipt of the request for carers leave, setting out the reason for the postponement and the agreed dates on which the leave can be taken.

DEPENDENTS LEAVE

The Employment Relations Act 1999 provides employees with a statutory right to take a reasonable amount of time off to deal with certain unexpected or sudden emergencies and to make any necessary longer-term arrangements involving a dependent.

Time off for dependents only applies in emergency situations and not events which are known in advance. Emergencies may include:

- A sudden breakdown in care arrangements for example the childminder failing to call/collect a child.
- The dependent suddenly falling ill/having an accident/or a sudden deterioration in an existing condition. Such injuries/illnesses may be physical or mental and time off could be to comfort or help the dependent.
- To make longer term care arrangements for a dependent who suddenly becomes ill or injured and may need placing in respite, residential care or other care provision. (This does not cover time off to nurse the dependent for the duration of their illness)
- An unexpected incident involving the employee’s child during school hours which could include the child being distressed, injured or ill.

Serious illness is defined as that which makes it necessary for the employee to make urgent or special arrangements for the care of the relative (e.g. following discharge from hospital or where a child is so ill that a parent is required in permanent residence. This provision should only be made when there is no other person/provider/carer available to look after them.

Time off to care for a dependent as defined above.	Up to 5 days with pay within a 12-month rolling period. Further unpaid leave may be granted by the Executive Principal/Principal/Headteacher/Head of School dependent upon the circumstances.	With pay Without pay
It is important to note that in most instances it may not be possible for the employee to give prior notice. However, in these circumstances the employee must follow the normal absence reporting procedures and complete the necessary form upon their return to work. <i>A dependent is defined as a husband, wife, significant partner, child or parent of the employee. It may also include someone who lives in the same household as the employee or someone who reasonably relies on the employee for assistance, for example, a grandparent or elderly aunt. This would not include a tenant or a boarder living in the family home.</i> <i>Child – for the purposes of this type of leave, a child must be under the age of 16 years old or up to the age of 18 in the case of a child with a recognised disability and in receipt of Disability Living Allowance.</i>		
PARENTAL LEAVE		
Time off to care for a child under 5 years old (or under 18 years old if a disabled child)	Up to 18 weeks (Leave should be taken in complete weeks and up to 4 weeks of the entitlement can be taken in any one year (April to March))	Without pay
Please see the Parental Leave Policy for further information and qualifying conditions available from the Human Resources Department.		
MATERNITY/ADOPTION SUPPORT LEAVE		
Time off to offer support or care for the expectant mother/expectant adopter at or around the time of the birth/placement	Maximum of 2 weeks	1 st week – normal rate of pay 2 nd week – statutory maternity/adoption pay per week or 90% of the employee's earnings whichever is the lower
Please see the Maternity/Adoption Support Leave Policy for further information. Employees applying for maternity/adoption support leave should complete the relevant form (available from the HR Department) and provide the necessary documentation as evidence.		
MEDICAL REASONS		
Employees are expected to make medical and dental appointments in their own time where possible to limit disruption to students' learning and the operational requirements of the school.		
Emergency medical/dental appointments (including investigations and treatments) Routine medical and dental appointments must be made outside school hours	As necessary	With pay

Hospital appointments	As necessary for the first appointment. Employees should endeavour to make any subsequent appointments in their own time. In cases whereby, employees are unable to make appointments in their own time and this can be evidenced then leave of absence can be applied for.	With pay
Medical appointments for dependents	Subject to approval dependent upon circumstances.	With pay
Medical screening (including cancer screening)	Appropriate time off to attend the appointment when this cannot take place outside of school time.	With pay
Attend blood donor sessions	Where possible giving blood should take place outside school time. However, consideration will be given to approving time off in exceptional circumstances.	With pay
Organ/bone marrow donor	Up to a maximum of 4 weeks subject to confirmation from a medical practitioner. Any additional time off will be without pay unless there are exceptional circumstances.	With pay
In Vitro Fertilisation treatment (IVF)	Up to 5 working days in any 12-month period to receive and recover from IVF treatment. Any further time off may be granted without pay.	With pay
All employees who have 12 months continuous service (including service with HCAT and previous continuous service) who require IVF treatment may be granted leave of absence. This applies to female and male employees who may require treatment during the IVF process. This leave can be taken in either 5 consecutive days or separate days, half days or hours. Employees are asked wherever possible to arrange appointments outside normal working hours. However, where this is not possible, leave of absence detailed above may be approved. All applications for leave of absence for doctors/hospital appointments must be accompanied by an official appointment letter.		
Antenatal appointments	As necessary	With pay

On-going treatments covered by the Equality Act (e.g. dialysis, chemotherapy, radiotherapy etc.	As necessary	With pay
Complementary therapies/cosmetic treatments	To be arranged outside normal working hours/in school holidays.	
PUBLIC AND COMMUNITY DUTIES		
Magistrates' duties	Up to a maximum of 15 contractual days or 30 half days in any one financial year.	With pay
Jury service	Duration of the jury service	Without pay*
Employees who are required to attend jury service must complete and leave of absence form and ensure that the appropriate loss of earnings form, required by the court, is completed by payroll prior to commencing jury service. *Employees will continue to be paid by the Trust for the duration of the jury service. This is on the understanding that the court fees are then deducted from the employee's salary once they receive payment from the court. Please contact HR for further information regarding this.		
Witness in court/tribunal:		
Where an employee is required to attend as a witness for a third party in response to a witness summons or a subpoena	As necessary	With pay
Where employees attend a court or tribunal on behalf of a third party, including attending as a witness on behalf of another employee, they are required to do so in their own time where possible.	As necessary	Without pay
Where an employee attends court to defend their own case.	As necessary	Without pay
PUBLIC BODY ACTIVITIES		
Employees must notify the Executive Principal/Principal/Headteacher/Head of School when they are appointed to service on a public body.		
Councillors of other Authorities	Up to 208 hours per financial year. (In accordance with the Local Government and Housing Act 1989 it is unlawful for any Local Authority to grant in excess of 208 hours per year)	With pay
Service in non-regular forces (Territorial Army)	Leave required for camp	With pay

Leave of absence will be granted in times of conflict and where there are shortages of staff within the armed forces and the employee is called up.	As necessary	The Trust will continue to pay the employee. However, should the employee receive an allowance for loss of earnings from the Territorial Army for these duties (either attending camp or national duty), the allowance should be repaid to the Trust.
Military service	As necessary – see note below	Without pay
In most cases time off must be approved if an employee is called up to carry out his/her military duties. The period of call up can be one year in every three years. In exceptional cases, it may be possible to obtain an exemption if the absence of the employee will cause serious disruption to the Trust/School. Such an application must be made within seven days of the reservist being issued with a mobilisation notice. Reservists who are called up to serve will receive normal pay from the service, so the school will not pay the employee during their absence. It is the responsibility of the Principal/Headteacher/Head of school to ensure that Payroll are informed so salary payments are stopped. The employee will continue to accrue service with the Trust whilst absent and has the right to return to his/her post on demobilisation or be offered alternative work should the substantive post no longer exist in the school staffing structure. (Armed Forces Safeguard of Employment Act 1985).		
School Governing Body duties	As necessary subject to approval	With pay
Special Constable duties	As necessary subject to approval	With pay
Elections – serving as a Presiding Officer or Polling Clerk	1 day	With pay – subject to approval and dependent upon the needs of the college/school.
OTHER REASONS FOR REQUESTING LEAVE OF ABSENCE		
Religious observance	Up to 2 days within any 12 months rolling period. Further time off will be without pay subject to the note below.	With pay
Time off to attend religious or cultural traditions should be accommodated where possible, although extended absences will need to be balanced with the operational requirements of the school. Requests for leave of absence should be made with as much notice as possible so that full consideration can be given. Time for preparation for festivals or days which may be used for family or cultural celebrations which are not specified dates for religious events are not included in this provision and approval is at the discretion of the Principal/Headteacher/Head of School dependent upon the circumstances.		
Trade union activities	Refer to Trade Union Facilities Agreement	

Inclement weather and disruption to public transport	Subject to approval dependent upon the individual circumstances at the time. Please see below as a guide.	With pay/without pay subject to approval
In exceptional circumstances where the school is closed, and employees have been informed that they are not required to attend they should be paid their normal salary for the duration of the absence. Where possible employees should work from home. Where the school remains open, the Executive Principal/Principal/Headteacher/Head of School should consider if the employee has made reasonable attempts to get to work taking into consideration the severity of the situation, the distance to be travelled and the position of public transport. If the Executive Principal/Principal/Headteacher/Head of School does not feel that the employee has made reasonable attempts to get to school, the period of absence will be without pay.		
Unexpected college/school closure (e.g. flooding, fire, breakdown of essential equipment)	Employees may be asked to work from another reasonable location or will be expected to work from home where possible.	With pay
Delayed return from abroad	See note below	With pay
If employees are returning from abroad and are delayed for reasons beyond their control for example, air strikes, delayed flights, accidents, volcanic ash, bankruptcy of airline etc. and this delay runs into normal term time it is the employees' responsibility to maintain communication with the Principal/Headteacher/Head of School as appropriate. Employees are asked to ensure when booking holidays that return flights allow for potential delays, so that working time is not missed unless exceptional circumstances appertain at the time. Consideration will be given to these circumstances and if paid or unpaid leave of absence is appropriate. The Executive Principal/Principal/Headteacher/Head of School may ask for evidence to confirm the situation before approving leave of absence. Please note that this provision does not include time off work with pay in circumstances where a return flight has been missed.		
Attendance at interviews	Up to 1 day per interview process dependent upon confirmation of the arrangements Up to a maximum of 3 occasions in a 12 months' rolling period unless the employee is subject to the Trust Managing Change Policy.	With pay
Informal visits to schools prior to applying for posts should be undertaken in an employees' own time where possible. If this is not possible, time can be taken from that specified above and subject to the operational requirements of the school.		
Preparatory visit to new school following appointment	Up to 1 day, subject to approval by the Executive Principal/Principal/Headteacher/Head of School dependent upon cover requirements	With pay

Study leave		
- Professional development related examinations - Where the Trust is not providing financial support, but the subject is relevant to the employee's development - Non-work-related examinations	As necessary As necessary to support the employee in allowing time off to attend lectures, residential workshops and examinations. As may be approved by the Executive Principal/Principal/Headteacher/ Head of School	With pay Dependent upon circumstances – as approved by the Executive Principal/Principal/Headteacher/Head of School Dependent upon circumstances – as approved by the Executive Principal/Principal/Headteacher/Head of School
Undertaking work for an examination board	As may be approved by the Executive Principal/Principal/Headteacher/ Head of School	Without pay
Attending own graduation ceremony	1 day	With pay
Attending a graduation ceremony of a close family member	1 day	With pay
Moving house - where there is a chain involved and legal transfer arrangements are dictated by Solicitors.	1 day	With pay
Parental consultation meetings and celebration events at school/college	As may be approved– support in terms of cover should be sought from colleagues in the first instance.	With pay
Weddings (Please note employees cannot request leave of absence for their own wedding/honeymoon)	1 day	With pay if a close family member Without pay if not a close family member
National team events e.g. competing in the Olympics	As may be approved by the Executive Principal/Principal/Headteacher/ Head of School	With pay
Other circumstances	As may be approved by the Executive Principal/Principal/Headteacher/ Head of School	With or without pay at the discretion of the Executive Principal/Principal/Headteacher/Head of School depending on the individual circumstances of each case.

7. Review

- 7.1 The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:
- to eliminate discrimination and other conduct that is prohibited by the Act
 - to advance equality of opportunity between people who share a protected characteristic and people who do not share it
 - to foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.
- 7.2 In the development of this policy due regard has been given to achieving these objectives.
- 7.3 This procedure will be reviewed to respond to any relevant changes in legislation, and at least every three years, in conjunction with the Trust's recognised trade unions.