



Osprey Learning Trust

STAFF LEAVE AND ABSENCE POLICY

**This Policy was adopted by the Board of Directors
of Osprey learning trust on
19th May 2020**

Version Date: May 2015

For further advice and guidance in relation to this policy, please contact HR ONE at hrdirect@devon.gov.uk or on 01392 385555.

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1. Introduction

Osprey Learning Trust (OLT) recognises and values the contribution of each member of staff to the education of the children in the school.

High levels of absence among 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 Board of Directors is 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 OLT 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

Staff Leave and Absence Policy. Version date: March 2015

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possible.

Requests for paid or unpaid leave must be made in writing to the School's Leadership (Head Teacher / Principal / Executive Head Teacher) with full reasons for the request. Requests by the School's Leadership should go to the CEO. Requests by the CEO should go to the Chair of the Board. 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.

The Board of Directors has given delegated authority to the School's Leadership to approve leave of absence requests for up to 5 days. For anything greater the School's Leadership must discuss each case with either the full relevant Board committee and act on the recommendation made.

Requests for leave of absence will be considered taking into account

- the principles of this policy,
- the best interests of the pupils and the school,
- treating staff in a fair, reasonable and consistent way,
- national and local terms and conditions of employment.

Where the agreements refer to relatives of the first degree, this is taken to mean – husband, wife, civil partner, permanent partner, brother/sister, parent and child or the corresponding relatives-in-law. Additionally The Board of Directors has decided to include grandparents or other relatives/carers who have taken on the main caring role or people who are not related but occupying a similar position in the family.

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, and with at least one year of continuous service with the academy are entitled to parental leave for the purpose of caring for a child, for whom the employee has parental responsibility. In the case of an adopted child, the same provisions as above apply but up to the child's eighteenth birthday or eighteenth anniversary of their adoption.

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 Board of Directors is able to require an employee to postpone his/her parental leave for up to six months, where the impact on the school is unreasonable. 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 School's Leadership, 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.

Staff Leave and Absence Policy. Version date: March 2015

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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. 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.

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 ii) Occasional release and/or iii) Consultative meetings convened by the LA	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 ii) Occasional release and/or iii) Consultative meetings convened by the LA	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 Board of Directors	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.

Reasons for leave with pay	Teachers	Support staff
Lecturing in professional capacity on condition that all fees to be paid to school	At the discretion of The Board of Directors.	At the discretion of The Board of Directors 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 Board of Directors
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 Board of Directors 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 another family member/carer who brought up the employee) or children or corresponding relatives in law	At the discretion of The Board of Directors	At the discretion of The Board of Directors
Times of severe weather	Permission to leave early should not be unreasonably refused. Principal 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. 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.

Reasons for leave with pay	Teachers	Support staff
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	<p>Paid leave for time off to attend an interview and/or other selection processes will be granted where the vacancy is at a Local Authority maintained school and/or public body to which the redundancy payment (modification) order applies. This would include interviews at an academy school.</p> <p>Applications for leave to attend interviews / selection processes with other organisations will be at the discretion of The Board of Directors and may be granted as unpaid.</p> <p>Notwithstanding the above, paid time off for this purpose is limited to no more than 6 days in any one academic year. Anything in excess of this will be at the discretion of The Board of Directors and may be granted as unpaid leave.</p>	<p>Paid leave for time off to attend an interview and other selection processes will be granted where the vacancy is at a Local Authority maintained school and/or public body to which the redundancy payment (modification) order applies. This would include interviews at an academy school. [Grey Pages 4.6(k)]</p> <p>Applications for leave to attend interviews / selection processes with other organisations will be at the discretion of The Board of Directors and may be granted as unpaid or taken as annual leave.</p> <p>Notwithstanding the above, paid time off for this purpose is limited to no more than 6 days in any one academic year. Anything in excess of this will be at the discretion of The Board of Directors and may be granted as unpaid leave.</p>

Reasons for leave with pay	Teachers	Support staff
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. In other relationships, applications for unpaid leave should be addressed in writing to the Board of Directors or relevant committee 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	Up to five working days.	Up to five working days.
Non-serious illness of an employee's child (falls under the provision of Emergency Time Off for Dependants)	In the case of a sick child with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made. Paid time off for this purpose is limited to no more than 3 days in any one academic year. Anything in excess of this will be at the discretion of The Board of Directors or relevant committee and may be granted as unpaid leave.	In the case of a sick child with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made. Paid time off for this purpose is limited to no more than 3 days in any one academic year. Anything in excess of this will be at the discretion of The Board of Directors or relevant committee and may be granted as unpaid leave.
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 Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee

Reasons for leave with pay	Teachers	Support staff
Election duties	Leave of absence for staff appointed by the returning officer to assist at parliamentary or local elections, if not paid to do so.	Leave of absence for staff appointed by the returning officer to assist at parliamentary or local elections if not paid to do so.
Graduation ceremony – employee’s own partner, son, daughter or close relative	At the discretion of The Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee

Additional leave with pay may be granted in special circumstances by The Board of Directors or relevant committee

Reasons for Leave without Pay

Reasons for leave without pay	Teachers	Support staff
Non-serious illness of an employee’s child (falls under the provision of Emergency Time Off for Dependants)	In the case of a sick child with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made.	In the case of a sick child with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made.
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.
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 The Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee
Religious devotion days	At the discretion of The Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee

Staff Leave and Absence Policy. Version date: March 2015

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Funerals – other than close relatives as in “With Pay” section	At the discretion of The Principal/Headteacher	At the discretion of The Board of Directors or relevant committee
House removals – in excess of one day	At the discretion of The Headteacher/Principal	At the discretion of The Board of Directors or relevant committee
Sporting representations below national level	At the discretion of The Board of Directors. Normally not more than ten school days in a year.	At the discretion of The Board of Directors or relevant committee
Delays on return to school caused by industrial disputes	At the discretion of The Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee
Special family flights where spouse or civil partner is in the armed forces	At the discretion of The Board of Directors.	At the discretion of The Board of Directors or relevant committee
Hospital appointments for children where both parents wish to attend.	At the discretion of The Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee
Visits overseas other than for professional development	At the discretion of The Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee
Attendance on courses for personal development not considered beneficial to the school	At the discretion of The Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee
Weddings – Employees own wedding and for those other than relatives first degree	At the discretion of The Board of Directors or relevant committee	At the discretion of The Board of Directors or relevant committee
Accompanying a pregnant woman, with whom they are having a child, at ante-natal appointments	Up to two ante-natal appointments at the discretion of The Board of Directors or relevant committee	Up to two ante-natal appointments. See Maternity and Adoption Support Leave Policy

The Board of Directors may in special circumstances grant discretionary additional leave

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: <ul style="list-style-type: none"> • parental leave from April 2015 • Interviews / selection processes • time off for teachers in the case of non-serious illness of close relative. • Time off to attend antenatal appointments 	HR ONE	March 2015	
January 2020	Osprey V1	JN	February 2020	February 2023