

## Annual and Special Leave and Absence Reporting Policy

Policy Code:	HR13
Policy Start Date:	July 2020
Policy Review Date:	July 2023

Please read this policy in conjunction with the policies listed below:

- HR8 Equal Opportunities and Diversity Policy
- HR12 Staff Disciplinary Procedure
- HR14 Paternity Leave Policy
- HR15 Time Off for Dependants Policy
- HR18 Staff Sickness Absence Policy
- HR19 Maternity Leave Policy
- HR20 Parental Leave Policy
- HR21 Adoption Leave Policy
- HR25 Flexible Working Policy
- HS5 Critical Incident Policy

## **1 Policy Statement**

- 1.1 Absence from duty by employees may occur for a variety of reasons with certain types of leave being covered by statutory provision, including maternity, paternity, adoption, parental or shared parental leave (referred to collectively as family leave). Other types of leave form an integral part of the employee's contractual conditions of service which are the responsibility of the Priory Federation of Academies Trust (the Trust), such as annual leave.
- 1.2 The Trust respects statutory rights to time off for employees and offers some enhanced rights which are set out in the relevant policies, where applicable.
- 1.3 This policy provides information as to how the Trust will implement arrangements with respect to annual and special leave and reporting absences. The conditions covering family leave and time off for dependants are covered in the relevant separate policies. Sickness absence is covered in the Trust's Staff Sickness Absence Policy.
- 1.4 No-one who takes time off in accordance with this policy will be subjected to any detriment.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.6 This policy does not apply to agency workers, consultants or self-employed contractors.
- 1.7 References to the Trust or Academy within this policy specifically include all Primary, Secondary and Special Educational Needs academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Training, Priory Apprenticeships, Lincolnshire Teaching School Alliance and Lincolnshire Teaching School Alliance SCITT.
- 1.8 The Trust is committed to leading a mentally healthy organisation, which includes a commitment to and promotion of emotional wellbeing and mental health. Therefore, all Trust policies and procedures ensure this commitment is incorporated in order to support all staff and students. Members of staff are encouraged to speak to their line managers, and students are encouraged to speak to any member of staff, if they feel any part of this policy would affect their emotional wellbeing and mental health. Any such comments should be passed to the Trust's HR department (via [FederationHR@prioryacademies.co.uk](mailto:FederationHR@prioryacademies.co.uk)) for appropriate consideration at the next available point in the policy review cycle.

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## **2 Roles, Responsibilities and Implementation**

- 2.1 The Pay, Performance and HR committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Human Resources Director.
- 2.2 The Head of Academy/Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## **3 Reporting Absences**

- 3.1 Any employee prevented from attending work due to sickness must inform their line manager/relevant manager and follow the individual Academy/Federation's reporting procedure. This must be done by telephone and as soon as possible after becoming unfit for work. The employee must indicate the first day of illness, the nature of the illness and where practicable, the likely date of return to work. This notification should be in accordance with the Staff Sickness Absence Policy.
- 3.2 Employees must report all other absences in the same way as reporting sickness absences as detailed above.

## **4 Conditions of Service**

- 4.1 The Conditions of Service which refer to Leave of Absence for each category of staff are as follows:

**Teachers** - Contained in the National and Local Schemes of Conditions of Service for schoolteachers, a copy of which is available in the HR Office.

**Support Staff** - Contained in the National and Local Schemes of Service a copy of which is available in the HR Office.

## **5 Annual Leave – Support Staff**

The annual leave year runs from the 1<sup>st</sup> of April to the 31<sup>st</sup> of March every year.

The annual leave entitlement for Support Staff is as follows:

<b>PPS</b>	<b>Less than 5 years' continuous service</b>	<b>5 or more years' continuous service</b>
1 – 3	20 (days)	25 (days)
4– 11	21	26
12 – 24	24	29
25 and above	25	30

For support staff employed on a 52-week contract, the usual Bank Holidays in England and Wales are in addition to the above annual leave entitlement. For part time staff employed on a 52-week contract, Bank Holidays are calculated on a pro rata basis, in line with the contracted working hours. These employees will also receive 3 additional concessionary days' leave to be taken during the period of Christmas closure.

Bank holidays and the 3 additional concessionary days are included in the holiday entitlement payment calculation for support staff contracted to work less than 52 weeks per year and this is paid as part of their salary.

Annual leave cannot be carried forward to the following leave year. It must be used by the 31<sup>st</sup> of March. Any holiday not taken by the end of the holiday year will be lost and no payment in lieu will be made, unless in exceptional cases to be agreed with the Human Resources Director.

- 5.1 For part-time employees' annual leave is calculated on a pro-rata basis.
- 5.2 For part-year employees' (term-time only, etc.) annual leave entitlement will be calculated as part of their salary and based upon the formula for full year working staff.
- 5.3 For those on 52-week contracts, the leave period shall be from 1<sup>st</sup> April to 31<sup>st</sup> March. Those employees whose employment starts or ends part way through the holiday year are entitled to a pro-rata equivalent of their holiday entitlement, proportionate to the number of completed calendar month's service during the year. Employees will be paid in lieu of any accrued but untaken holiday entitlement for the current holiday year at the time of termination, although they may be required to use any remaining holiday entitlement during the notice period.
- 5.4 The timing of all leave is subject to the approval of the Head of Academy or in the case of Federation staff, their line manager, and will be dependent upon the needs of the service and the Trust. Employees must not make travel bookings until approval has been given. Employees may be required to take (or not to take) holiday on particular dates, including when the school is closed or during the notice period. It will be expected that the majority of annual leave will be taken during school holidays, unless otherwise

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stated in the employee's contract.

- 5.5 Normal annual leave must be negotiated in the first instance through the employee's line manager, who will then seek approval from the appropriate Head of Academy and in the case of Federation employees, the relevant Federation manager.
- 5.6 Holiday entitlement continues to accrue during periods of sick leave. If an employee is on a period of sick leave, which spans two holiday years, or if they return to work after sick leave so close to the end of the holiday year that they cannot reasonably take their remaining holiday, they may carry over unused holiday to the following leave year. Carry over under this rule is limited to the four-week minimum holiday entitlement under EU law (which includes bank holidays), less any leave taken during the holiday year that has just ended. Any holiday that is carried over under this rule but is not taken within 18 months of the end of the holiday year in which it accrued will be lost.
- 5.7 Holiday entitlement continues to accrue during periods of family leave. If an employee is planning a period of family leave that is likely to last beyond the end of the holiday year, they should discuss their holiday plans with their manager in good time before starting their family leave.

## **6 Time Off for Public Duties**

- 6.1 An employee is entitled to a reasonable amount of unpaid time off work to carry out certain public duties, including duties as a tribunal member, magistrate, local councillor, member of an NHS Trust, prison visitor, police station lay visitor or school governor. The Trust may grant paid leave to staff taking time off for public duties in certain circumstances and at its sole discretion.
- 6.2 An employee intending to become involved in public duties which will require leave, paid or unpaid, must obtain the agreement of their Head of Academy or line manager before they agree to accept that position.
- 6.3 When undertaking public duties, the employee must provide their Head of Academy or line manager with an outline of their expected involvement, including time off required throughout the year, and agree and plan their leave, paid or unpaid, without disrupting the service. In order that arrangements can be made to cover duties, all requests should be made in good time.
- 6.4 In such cases, further leave of absence may be granted where deemed necessary. If further leave is agreed, then the Head of Academy or line manager will decide whether the leave is with or without pay, unless already specified in this document. Each request for time off will be considered on its merits taking account of all the circumstances, including how much time is reasonably required for the activity, how much time the employee has already taken, and how the absence will affect the Academy.

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## **7 Jury Service and Attendance at Court**

- 7.1 When chosen for Jury Service, the employee must submit to their line manager a request for leave in advance and produce a copy of the Court Summons.
- 7.2 An employee who is called up for jury service will be paid their normal pay less any amounts the employee can claim from the court for loss of earnings. The employee must therefore complete the entire relevant claim form provided with the jury service request.
- 7.3 If on any day the employee's services are not required at the court, they will be required to return to work for that day.
- 7.4 Depending on the needs of the Trust, the Trust may request that the employee apply to be excused or deferred from their jury service.

## **8 Training with Reserve or Cadet Forces**

- 8.1 An employee who is a member of the reserve or cadet forces (and provides evidence of this) will be entitled to a reasonable amount of unpaid leave.
- 8.2 The Trust may, upon receiving notice that an employee has been called up for active service, apply to an adjudication officer for the notice to be deferred or revoked if the employee's absence would cause serious harm to the Trust (which could not be prevented by the grant of financial assistance).
- 8.3 Where agreement is given for an employee to engage on a voluntary tour of duty or specific exercise, discretion will be given on an individual basis to phase the individual back into the workplace.
- 8.4 Once an employee's military service has ended, they may submit a written application for reinstatement to their employment with the Trust. This should be made to the Trust by the third Monday following the end of the employee's military service and the employee should notify the Trust of the date on which they will be available to restart work. If it is not reasonable and practicable for the Trust to reinstate the employee into their old post, then they will instead be offered the most favourable alternative on the most favourable terms and conditions which are reasonable and practicable.
- 8.5 When calculating the length of an employee's continuous employment with the Trust, the period of absence on military service will not be counted. The period of employment before the employee's mobilisation and the period after their reinstatement will be treated as continuous.

## **9 Professional Activities**

9.1 By agreement between the Head of Academy or line manager and employee, paid leave may be given for activities beneficial to the Trust or to the professional standing of the employee. Examples of this would include being a member of a tribunal or inquiry, speaking at relevant conferences, or participating in the work of a specialist professional organisation.

## **10 Job Interviews**

10.1 Reasonable time off with pay will be given to attend interviews for positions within and outside of the Trust.

10.2 The employee must submit to their Head of Academy or line manager a request for leave in advance, to be agreed, with sufficient notice to ensure minimum disruption to service levels.

## **11 Special Leave for Graduation Ceremonies**

11.1 As a gesture of good will, one day of paid leave will be granted for employees to attend the graduation ceremony of their dependant and/or for the employee's own graduation ceremony from college or university.

11.2 Requests for leave in advance must be submitted to the employee's Head of Academy or line manager with sufficient notice to ensure minimum disruption to service levels. It is at the Head of Academy or line manager discretion as to whether the time off is granted and the needs of the Trust will be considered when making this decision.

## **12 Special Leave for Exams**

12.1 As a gesture of good will, paid leave for up to one day will be granted for employees to attend an examination for a college or university course. Any further leave, or leave beyond one day, will be at the discretion of the employee's Head of Academy or line manager.

12.2 Requests for leave in advance must be submitted to the employee's Head of Academy or line manager with sufficient notice to ensure minimum disruption to service levels are minimally disrupted. It is at the line manager's discretion as to whether the time off is granted and the needs of the Trust will be considered when making this decision.

## **13 Moving House**

13.1 The Trust will allow one day of paid leave – in addition to other rights to contractual or statutory leave – for employees who are moving house. This is limited to one day in any

one academic year.

13.2 Requests for leave in advance must be submitted to the employee's Head of Academy or line manager with sufficient notice to ensure minimum disruption to service levels. It is at the Head of Academy or line manager's discretion as to whether the time off is granted and the needs of the Trust will be considered when making this decision.

#### **14 Marriage or Civil Ceremony**

14.1 The Trust will allow one day of paid leave – in addition to any other rights to contractual or statutory leave – for the day of an employee's wedding or civil ceremony. This is limited to one day in any one academic year.

14.2 Requests for leave in advance must be submitted to the employee's Head of Academy or line manager with sufficient notice to ensure minimum disruption to service levels. It is at the Head of Academy or line manager's discretion as to whether the time off is granted and the needs of the Trust will be considered when making this decision.

#### **15 Parental Bereavement**

15.1 Parents or primary carers are entitled to at least two weeks' leave following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy.

15.2 Primary carers include adopters, foster parents and guardians, as well as more informal groups such close relatives or family friends who have taken responsibility for the child's care in the absence of parents.

15.3 Leave can either be taken in one block or in two separate blocks of one week within a 56-week window from the child's death.

15.4 Employees with 26 weeks' continuous service will receive paid leave at the statutory rate. Employees with less than 26 weeks continuous service will be entitled to unpaid leave.

15.5 Requests for such leave must be submitted to the Head of the Academy or the Human Resources Director

#### **16 Bereavement**

16.1 Where leave is requested due to the death of a close relative or dependant, appropriate paid leave may be granted to make any necessary arrangements and to attend the funeral. Line managers should use their discretion when granting such leave, taking into account the specific circumstances of each case.



- 16.2 Requests for such leave must be submitted to the employee's line manager, as soon as possible. The line manager should be informed of the reasons for the request and the number of days leave the employee would like to take.
- 16.3 Each case will be viewed sympathetically and leave may be granted from the date of death up to and including the date of the funeral or cremation.
- 16.4 For other relatives or friends, annual or unpaid leave may be granted for attendance at funerals, subject to the line manager's approval and in accordance with service needs.
- 16.5 When granting leave for bereavement, a close relative or dependant is defined as:
- (a) next-of-kin or nominated next-of-kin;
  - (b) spouse/partner, civil partner/same sex partner;
  - (c) parent, grandparent, grandchild;
  - (d) brother or sister; or
  - (e) parent of spouse/partner or of civil partner.

## **17 Religious Observances**

- 17.1 Where feasible, the Trust will aim to reasonably accommodate time off for religious observances.
- 17.2 Requests for leave in advance must be submitted to the employee's Head of Academy or line manager with sufficient notice to ensure minimum disruption to service levels.

## **18 Emergency Dependent Care**

- 18.1 Please see the Time Off for Dependants Policy (HR15).

## **19 Emergency Domestic Situations**

- 19.1 Time off work (which may comprise/include paid special leave) may be approved to enable employees to deal with emergency domestic situations at home, such as flood, fire or burglary and to put arrangements in place. It does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of

appliances, home deliveries, etc.

19.2 Requests for this leave must be submitted to the employee's line manager as soon as possible to ensure service levels are minimally disrupted. It is at the line manager's discretion as to whether the time off is granted and the needs of the Trust will be considered when making this decision.

## **20 Hospital and Medical Appointments**

20.1 Employees requiring time off for a hospital appointment will be granted as special paid leave.

20.2 The employee must make a request for leave in advance to their line manager and must produce a letter from the hospital detailing the date and time of the appointment.

20.3 On many occasions, a patient cannot request the timing of a hospital appointment and the Trust is understanding in these situations. However, for other medical appointments (including dentist and doctor appointments), the Trust requests that these are booked, wherever possible, outside of the school hours or at the start or the end of the working day. Dentist and doctor appointments will be granted as special paid leave.

## **21 Cosmetic Surgery**

21.1 For the purposes of this policy, cosmetic surgery is surgery that is not considered medically necessary. It is concerned with the enhancement of appearance through surgical and medical techniques, e.g. face-lifts, Botox, or breast implants.

21.2 No paid or unpaid leave time will be granted for cosmetic surgery. The employee will be required to take annual leave for any absence related to a purely cosmetic procedure, or opt to have the procedure during the school break.

21.3 If the employee is undergoing a cosmetic surgery or procedure for which they will be absent from work, any entitlement to sick pay will be subject to receipt of satisfactory medical evidence in line with the HR18 Trust's Sickness Absence Policy. This medical evidence will need to be in the form of a report from the employee's doctor or a specialist confirming that the employee is undergoing the procedure on medical advice. In these circumstances, the correct procedure for reporting and certifying absence must be followed and a return to work interview will be carried out upon the employee's return to work.

## Reporting Absences

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### **22 Gender Re-Assignment**

22.1 An employee who requires time off for medical or other treatment relating to gender re-assignment will be treated no less favourably than for time off for illness or other medical appointments, as set in this policy and in the Trust's Sickness Absence Policy.

### **23 Leave to accompany a colleague to a hearing**

23.1 An employee will be allowed reasonable amount of paid time off to accompany a colleague to a capability, disciplinary or a grievance hearing.

### **24 Emergency School Closures – Staffing Advice**

24.1 Wherever possible Academies should be kept open, with normal programmes of work. Parents should be encouraged to send their children to school if they can do so safely. The presumption must be that Academies will be open unless information has been communicated that they will be closed. Closure can be justified only in exceptional circumstances.

24.2 The decision to close will be made by the Chief Executive Officer and Chairman of Trustees in consultation with the Head of Academy

24.3 It is assumed that everyone will accept that in grave emergencies all teaching and non-teaching staff should be prepared to remain in post and care for the children until their safe return home has been ensured.

24.4 Once closure is agreed, Head of Academies should ensure (if appropriate) they inform their school transport contractors, suppliers of free school meals and school crossing patrol personnel to avoid unnecessary turn out of staff/vehicles.

24.5 In the event of school closure, all staff should be expected to be at work even if the school is closed for the pupils. The Head of Academy may need to make a risk assessment with regard to Health and Safety, judging whether staff attendance is appropriate.

24.6 The Head of Academy may decide that staff should not come into school if the Academy is closed. If this is the case, there should be an expectation that staff will work from home.

24.7 Please see Policy on Adverse Weather and Travel Conditions Policy (HR26).

Reporting Absences

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**25 Abuse of this Policy**

25.1 Suspected abuse of this policy will be dealt with as a disciplinary issue under the Trust's Disciplinary Procedure (HR12).

**26 Policy Change**

This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

Reporting Absences

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## **The Priory Federation of Academies Trust Annual and Special Leave and Absence Reporting Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed.....                      Name.....:.....                      Date: .....

Trustee

Signed.....                      Name.....:.....                      Date: .....

Chief Executive Officer

Signed.....                      Name.....:.....                      Date: .....

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.