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STAFF DISCRETIONARY LEAVE OF ABSENCE GUIDANCE

**This guidance should be read in conjunction with the
Discretionary Leave of Absence policy**

Examples of leave of absence

The following table lists the typical circumstances where requests for time off may be received, and sets out whether the absence is discretionary or statutory.

The examples of leave given are non-exhaustive and where circumstances arise that are not identified in this policy, the Academy Head will discuss, as appropriate, with CMAT Executive Leadership colleagues in order to:

- > make the final decision on whether or not leave is granted, and
- > whether it is with or without pay

Advice should also be sought from the CMAT Central Administration team.



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Category/Circumstances	Definition	Time Allowed
Discretionary Compassionate Leave (close family member)	Compassionate leave is normally intended for circumstances where there is sudden or serious illness, injury or death of an immediate close family member or life partner (including same sex partners) to support with the grief and bereavement and dealing with any arrangements e.g. husband, wife, partner, father, mother, son, daughter, brother, sister. The leave will reflect what is required in the circumstances and will not necessarily always be 3 days. In exceptional circumstances additional leave may be approved at the discretion of the Academy Head but this will normally be unpaid.	Up to 3 days <u>paid</u> depending on circumstances. Additional leave normally <u>unpaid</u>
Discretionary Bereavement Leave (close family member)	As above, Bereavement leave is normally intended for circumstances where there is death of an immediate close family member or life partner (including same sex partners) to support with the grief and bereavement and dealing with any arrangements e.g. husband, wife, partner, father, mother, son, daughter, brother, sister and attend the funeral services. The leave will reflect what is required in the circumstances and will not necessarily always be 5 days. In exceptional circumstances additional leave may be approved at the discretion of the Academy Head but this will normally be unpaid.	Up to five days <u>paid</u> depending on circumstances. Additional leave normally <u>unpaid</u>
Discretionary leave to attend the funeral of someone who: - is not a member of the immediate family or - is a close personal friend	For example: a member of the extended family or a close personal friend. This will normally be unpaid, but may be granted as paid in exceptional circumstances, at the discretion of the Academy Head.	Up to 1 day, normally unpaid



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<p>Discretionary leave to attend a doctor's, dentist or other medical appointment</p>	<p>Employees are normally expected to ensure that appointments for personal visits (or those of a dependent) to the doctor, dentist, hospital etc. are outside of contracted working hours. However, in the event that this is not reasonably practicable, time off from work will be permitted to attend such appointments. Employees should ensure that any time off causes as little disruption as possible, i.e. the appointment is at the beginning or the end of the day. The school reserves the right to see evidence of such appointments, such as a letter or appointment card. Where the appointment is not urgent, and where the time would negatively impact on the employee's area of work, or that of team colleagues, the appointment should be re-arranged to a more suitable time and date wherever possible.</p> <p>Where the Academy Head considers an employee has taken an unreasonable amount of time off for this purpose, the school reserves the right to withdraw payment for such absence, at its discretion and following consultation with the employee. Consideration will be given to the Equality Act 2010 and any statutory right to time off, in all instances.</p> <p>The absence will normally be recorded as discretionary leave of absence..</p>	<p>Normally up to half a day <u>paid</u> depending on circumstances.</p> <p>Additional leave normally <u>unpaid</u></p>
<p>Leave for rehabilitation, assessment or treatment as a result of a disability (discretionary although there is a statutory right to leave considered as a reasonable adjustment)</p>	<p>The Equality Act 2010 identifies the provision of paid time off as a reasonable adjustment. It acknowledges that a disabled person may need to be absent from work for "rehabilitation, assessment or treatment". There is no evidence that disabled people are more likely to be absent from work than other staff. However, in monitoring absence, due allowance should be made for absences related to a disability.</p> <p>Absences relating to appointments for rehabilitation, assessment or treatment of a disability should be recorded as disability leave. This is paid, and does not affect sick pay entitlements. However, any other periods of absence related to a disability should be classified and recorded as disability related sick leave.</p>	<p>Paid in line with sickness entitlement.</p> <p>Additional paid sick leave may be granted at the discretion of the CEO / Principal.</p>



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<p>Disability related sickness absence (discretionary although there is a statutory right to leave considered as a reasonable adjustment)</p>	<p>Disability related sickness absence is sickness absence related to an individual's disability. For example: an episode or relapse of a disability related condition or time off for recuperation following a period of disability leave for treatment. Disability related sickness absence is recorded separately from other sickness absence but is counted as part of sickness absence entitlement.</p>	<p>Paid in line with Sickness Entitlement</p> <p>Additional paid sick leave may be granted at the discretion of the CEO / Principal.</p>
<p>Discretionary Emergency/ Dependant's Leave (statutory right to apply for such leave although granting of such leave is discretionary)</p>	<p>There is a statutory right to unpaid leave to deal with an emergency relating to a dependant (e.g. son/daughter, partner (including same sex partners), and parent). It is expected that this type of leave is taken where the employee has identified short term, rather than long term, caring responsibilities. Up to three separate occasions of not more than one day on each occasion, during one school year will be paid and any further days will be unpaid.</p>	<p>Up to three separate occasions of not more than one day on each occasion, in one school year <u>paid</u>..</p> <p>Additional leave normally <u>unpaid</u></p>
<p>Discretionary leave for Fertility Treatment.</p>	<p>As with other medical appointments, the expectation is that fertility treatment occurs outside of contractual working hours where possible. Where it can be shown that there are good reasons why this is not possible, the following will apply.</p> <p>Absence relating to the investigation of a fertility issue will be regarded as sickness absence. In such circumstances, the member of staff will be subject to the school's normal sickness absence provisions. Members of staff personally undergoing treatment themselves should note that sickness absence associated with IVF will not be regarded as 'pregnancy related'.</p>	<p><u>Paid</u> in line with sickness entitlement</p>



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	<p>Fertility Treatment</p> <p>Members of staff, who have completed 12 months' service, may be granted leave for fertility treatment or the support of a partner undergoing the same.</p> <p>Members of staff personally undergoing fertility treatment</p> <p>Wherever possible, appointments related to fertility treatment should be arranged outside of working hours. Where this is not possible, a member of staff may be granted up to 5 working days paid leave in any 12 month period for the purpose of receiving and recovering from IVF treatment and to attend appointments specifically associated with the IVF process (i.e. pre-booked interventions for consultant appointments, collection and delivery of eggs, monitoring tests, etc.).</p> <p>Should the member of staff require time off because of the side effects of the treatment, it will be subject to the normal sickness absence entitlement. Sickness absence associated with IVF will not be regarded as 'pregnancy-related'.</p> <p>The paid leave can be taken to suit the member of staff's needs, subject to operational circumstances, e.g. in one block, separate days or half days. The leave entitlement will be pro-rated for part-time members of staff according to their normal weekly working hours.</p> <p>Members of staff supporting a partner undergoing fertility treatment</p> <p>If it is an essential requirement within the course of the treatment for the partner to attend a specific appointment, the school will allow eligible employees up to one day's paid leave in any 12-month period to support fertility treatment.</p>	<p>Up to 5 days paid leave in any 12-month period</p> <p>Additional leave normally <u>unpaid</u> Up to 1 day paid leave in any 12-month period.</p> <p>Additional leave normally unpaid</p>
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<p>Discretionary leave to attend interviews</p>	<p>Such leave will be entirely at the discretion of the Academy Head. Any decision will take account of the role being applied for and the likely impact that the absence will have on the school.</p>	<p>Normally <u>paid</u></p>
<p>Discretionary leave for moving house</p>	<p>Wherever possible staff are expected to ensure that any house move takes place out of school time. Where it is demonstrated that this is not possible, 1 day's may be granted, normally paid. In exceptional circumstances, additional day's unpaid leave may be granted at the discretion of the Academy Head.</p>	<p>1 day, normally <u>paid</u> any additional days <u>unpaid</u></p>
<p>Discretionary leave to deal with urgent/unforeseen circumstances</p>	<p>Any urgent and unforeseen circumstances (e.g. house fire/burglary/flood) which require urgent attention by an employee and prevents an employee attending work. Up to one day off will be normally be allowed with pay, but in exceptional circumstances, additional unpaid days may be granted at the discretion of the Academy Head.</p>	<p>Normally 1 day <u>paid</u>, any additional days <u>unpaid</u></p>
<p>Discretionary leave to attend a child's graduation from University/College</p>	<p>It is recognised that the employee will have no influence over the day when this will occur and that it will normally occur during term time.</p>	<p>1 day, normally unpaid</p>
<p>Discretionary leave to attend a close family wedding i.e. son / daughter / brother / sister / parent</p>	<p>It is recognised that the employee may have no influence over the day when this will occur. Leave to attend a wedding of extended family or a close friend will normally be unpaid.</p>	<p>1 day <u>paid</u>, any additional days <u>unpaid (close family)</u> <u>Unpaid (extended family or close friend)</u></p>



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<p>Discretionary leave to take professional examinations or for study</p>	<p>It is assumed that the Academy Head will have approved the course of study and that the gaining of the specific qualification will be for the overall benefit of the school. If this is not the case it would not be reasonable for the Academy Head to allow time off during term time.</p> <p>Where the course of study has been approved, the Academy Head will allow time off as appropriate to enable the employee to take examinations. Only in exceptional circumstances would additional time off be allowed for study leave.</p> <p>In circumstances where the school is paying tuition costs, these will normally be repayable on a sliding scale in the event that the employee either fails to complete the course, or leaves CMAT within three years of completion.</p>	<p>Up to 3 days paid leave in each academic year.</p> <p>Additional leave unpaid</p>
<p>Sporting and similar activities</p>	<p>Selection for representative sporting and similar activities may be seen as an honour for the school and highly motivational for students. The Academy Head should therefore consider sympathetically requests for paid leave of absence to participate in such events (e.g. at county or national level). However, extended absences (e.g. tours abroad) would require special consideration in each case.</p>	<p>Paid or unpaid at the discretion of the CEO</p>
<p>Discretionary additional leave for carers</p>	<p>Although it is expected that employees will make arrangements that do not prevent them from carrying out their normal duties, in exceptional circumstances an employee may apply for leave in addition to paid annual leave, to deal with childcare and other caring responsibilities such as assisting a dependant during or after a stay in hospital, moving a dependant to residential or other form of care, helping a dependant through a medical procedure, etc. It is expected that this type of leave is taken where the employee has identified long-term, rather than short term, caring responsibilities. The granting of such leave is entirely at the discretion of the Academy Head after taking account of the impact such leave might have on the school.</p>	<p>Normally unpaid</p>



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<p>Discretionary leave for blood donors</p>	<p>Although it is expected that staff will make arrangements to donate blood outside of working hours, if there is an opportunity to donate blood locally and it will mean only a short time away from school with minimal disruption, time off with pay will be allowed for this purpose.</p>	<p>Normally paid</p>
<p>Gender transition</p>	<p>Time off for surgery and recuperation from surgery for gender reassignment will be recorded as sick leave. Other medical appointments relating to the process will be recorded as sick leave when it has not been possible to make them outside of working hours. There may also be a need for some non-medical appointments, for example for electrolysis or speech therapy. These will not qualify for sick leave. Academy Heads should reasonably consider requests for unpaid leave or allow annual leave or flexi leave, where the system is in operation, for these appointments, when it has not been possible for them to take place outside of work time.</p> <p>Any reasonable absence because of the effects of treatment for gender reassignment should not be taken into account for the purposes of action for unsatisfactory attendance.</p>	<p>Paid in accordance with sickness entitlement and recorded as sick leave.</p> <p>Non-medical unpaid, recorded as leave of absence.</p>
<p>Occupational health appointments</p>	<p>Whilst employees are absent due to sickness, there is an expectation that they will make themselves available to attend any Occupational Health appointments regardless of when the appointment occurs. After returning to work, if any further appointments are made during the normal working pattern, paid time off will be granted in order to attend.</p>	<p>Paid</p>
<p>Religious observances</p>	<p>Academy Heads should try to accommodate requests for time away from work for religious observance. This includes religious festivals, time away from work during prayer and adjusting working times to accommodate periods of fasting. The Academy Head and the employee should work together to ensure that there is minimum disruption to the school and that leave (which would be unpaid) is avoided wherever possible.</p>	<p>Unpaid</p>



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Strike Action	It is an individual's choice as to whether to join strike action, but a normal day's pay will be deducted for each day the strike action continues and the employee remains off work.	Unpaid
Discretionary leave during adverse weather conditions	Employees have an obligation to present themselves for work each day at and between the times specified in their contracts of employment. During periods of severe inclement weather, if it is shown that the employee has made every effort to attend work but simply could not do so then the absence may be treated as paid leave. If, however, roads/public transport are available for use with only minimal disruption, and the employee still chooses not to attend work, the absence will be treated as unpaid.	Paid or unpaid, depending on circumstances
Discretionary leave for CPD/other training	Training will generally only be approved by an Academy Head when it is essential for either CPD or to enhance capability to the advantage of the school. When it is not possible for such training to take place out of term time, time off will be allowed with pay. Training may however need to be postponed when the needs of the school are such that time off on the dates allocated for the training do not prove to be convenient.	Paid

Other 'special' discretionary leave

Leave for medical screening	Wherever possible such screening will take place outside of term time. However, where this is proved to be not possible, necessary paid time off will be granted for the purpose of medical screening including cancer screening where this is required by the employee's medical advisors.	Paid
Leave for Trade Union activities or training	Where it is necessary for a trade union representative to carry out legitimate trade union business or training during term time, they will be allowed appropriate time off with pay. It will be expected that the majority of trade union activity will take place outside of school hours.	Paid



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<p>Leave for duties as a School Governor</p>	<p>A reasonable amount of leave, with pay, will be granted. Any such leave must be authorised, in advance, by the Academy Head.</p>	<p>Paid</p>
<p>Leave for reservists (Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force)</p>	<p>It will be expected that reservists arrange training outside of term time. In exceptional circumstances the Academy Head may allow paid leave to attend annual training. This is a 15-day continuous training course, sometimes referred to as 'Annual Camp'. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.</p> <p>Employer's legal responsibilities under The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) are as follows:</p> <p>If your Reservist employee is mobilised, when they return you have an obligation to reinstate them in the same role and on equally favourable terms and conditions as before (or as near as practicable).</p> <p>The Ministry of Defence aims to give at least 28 days' notice of mobilisation, although the Reserve Forces Act 1996 gives no statutory requirement for a warning period prior to a Reservist being called out.</p> <p>If a Reservist is mobilised and you believe their absence would cause serious harm to your business or a related business, you have the right to seek exemption, deferral or revocation of the mobilisation.</p> <p>If your Reservist is mobilised you don't have to pay them any salary or associated benefits (such as pension or company car) for the duration of their operational duty. A Reservist can claim for any benefits you stop so they won't be worse off.</p>	<p>Paid</p>



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	<p>You are also eligible for financial assistance to cover the costs of finding a temporary replacement or retraining your Reservist employee under certain circumstances on their return.</p> <p>Further information on employing Reservists can be found on the website; http://www.sabre.mod.uk/Employers/Employing-a-Reservist</p>	
<p>Leave for public duties</p>	<p>Section 50 of the Employment Rights Act 1996 provides for employees to be granted time off work to perform those public duties specified in the section. These are as follows:</p> <ul style="list-style-type: none"> (a) a local authority (b) a statutory tribunal (c) a police authority (d) a board of prison visitors or a prison visiting committee (e) a relevant health body (f) a relevant education body, or (g) the Environment Agency or the Scottish Environment Protection Agency. <p>It is expected that much of the time spent on such duties will be either out of term time or out of normal working hours. However, where this is not possible and there is no adverse effect on the working of the school, unpaid time off may be approved by the Academy Head.</p>	<p>Unpaid</p>
<p>Court Service (witness or jury service)</p>	<p>Most court service is for jury service, but employees may also be called as witnesses.</p> <p>Individuals summoned for jury service are expected to attend court unless they are ineligible, disqualified or excused by the court. Jury service can be deferred. Among the categories who qualify for deferral are teachers during term time. Other school staff may not automatically be disqualified if called for jury service during term time.</p>	<p>Loss of earnings claims topped up to normal salary for jury service.</p> <p>Summoned to appear as a witness normally paid.</p>



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	<p>Applications for jury service to be excused on grounds of conflict with work requirements are likely to result in deferral, unless excusal is clearly necessary. Each application will be considered on its own merits, and applications must be made by those who have been summoned – employers cannot make them on employees’ behalf.</p> <p>Employees required attending court for jury service or who are summoned to appear as witnesses will be granted paid leave for this purpose.</p> <p>Jurors are entitled to claim for travel and subsistence and for loss of earnings, up to a maximum daily rate. Where employees are entitled to claim for loss of earnings, they must get their employer to complete the appropriate certificate which is issued to all jurors prior to attending court. The arrangements for employees attending court as witnesses vary considerably.</p> <p>Loss of earnings claims must be made by employees from the Court, and these are offset against salary/wage.</p>	<p>Attendance as a voluntary witness normally unpaid</p>
<p>Statutory maternity leave</p>	<p>All pregnant employees can take up to 26 weeks’ ordinary maternity leave (OML) and up to 26 weeks’ additional maternity leave (AML), making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.</p> <p>Once an employee has given notice of pregnancy, they will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by a registered medical practitioner, midwife or nurse. In order to be entitled to take time off for maternity leave and antenatal care, the employee is required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that she is pregnant (usually the MATB1). Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.</p>	<p>Paid/unpaid (see separate maternity and paternity guidance)</p>



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<p>Statutory parental leave (some discretion when it can be taken)</p>	<p>Employees with more than one year’s continuous service are entitled to 18 weeks’ unpaid leave for each child and adopted child, up to their 18th birthday. Employees need to request leave giving at least 21 days’ notice before the intended start date. Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd days off, unless the employer agrees otherwise or the child is disabled.</p> <p>Employees cannot take off more than four weeks during a year. A week is based on an employee’s working pattern. This entitlement is in addition to any rights to maternity/adoption and/or paternity leave or shared parental leave. Requests for such leave may be postponed for up to six months other than where parental leave has been requested immediately after childbirth/maternity leave or immediately after placement for adoption</p>	<p>Up to 4 weeks a year unpaid (18 weeks maximum up to child’s 18th birthday)</p>
<p>Statutory paternity leave</p>	<p>An employee whose spouse, civil partner or partner gives birth to a child, or who is the biological parent of the child, is entitled to two weeks' ordinary paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.</p> <p>Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. For more information on adoption rights, please see the separate guidance on Ask Schools’ Choice. Either adoptive parent may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child’s adopter is notified of having been matched with the child for adoption.</p> <p>To qualify for paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child’s mother.</p>	<p>2 weeks paid leave to be taken within 56 days of the birth or adoption of a child</p>



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	<p>Paternity leave must be taken in a single block of one or two weeks within 56 days of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within 56 days of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.</p>	
<p>Statutory shared parental leave</p>	<p>Shared parental leave is a relatively new right that may enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could mean that the mother or adopter shares some of the leave with her or his partner, perhaps returning to work for part of the time and then resuming leave at a later date.</p> <p>The first two weeks of the 52-week entitlement must be taken by the mother or primary adopter, but the remaining 50 weeks' entitlement and pay can be shared or split between both parents, if they meet the eligibility criteria.</p>	<p>First 2 weeks taken only by the mother</p> <p>Remaining 50 weeks can be shared between parents</p> <p>Paid/unpaid – see separate Shared Parental Leave policy</p>
<p>Statutory adoption leave</p>	<p>For the primary adopters of children matched for adoption the rights to adoption leave and pay mirror maternity leave and pay.</p> <p>Primary adopters can take up to 26 weeks' ordinary adoption leave (OAL) and up to 26 weeks' additional adoption leave (AAL), making a total of 52 weeks. This is regardless of the number of hours they work or their length of service.</p> <p>Additional adoption leave begins on the day after ordinary adoption leave ends.</p>	<p>Paid/unpaid – see separate adoption guidance</p>