

Leave of Absence

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1. Introduction

- 1.1 The Trust is committed to providing a safe and healthy working environment that positively supports the health and well-being of its employees. A fundamental aspect of this commitment is facilitating employees to achieve a positive work-life balance.
- 1.2 The provisions within this policy reflects the above commitment, containing reasonable provisions that enable employees to manage their work alongside other commitments.
- 1.3 This policy outlines the Trust's approach to managing requests for time off from work for:
 - dependent care
 - unpaid parental leave
 - domestic emergencies
 - compassionate leave
 - public office duties
 - statutory/occupational parental bereavement leave
 - AWOL- absence without leave
 - other personal and professional responsibilities that fall outside of the above categories, hereafter termed 'unpaid leave'.
- 1.4 This policy does not apply to absence arising from maternity, paternity, adoption or shared parental leave, sickness absence, flexible working or time off for trade union activities for which other arrangements exist.

2. Roles and Responsibilities

- 2.1 Managers are responsible for responding to leave requests relating to this policy in a fair, consistent and timely manner and in accordance with the principles of this policy.
- 2.2 The People department are responsible for ensuring this policy reflects statutory and Trust requirements, as well as providing related information and support to both employees and managers.

3. Principles

- 3.1 Leave requests can be submitted according to local arrangements. A sample request form is shown in appendix A.
- 3.2 All leave requests will be processed sensitively and respectfully.
- 3.3 Each situation that results in an absence is unique. The manager will consider the individual circumstances of the request, including any equality related matters.
- 3.4 There may be instances where unpaid leave is approved according to the provisions of this policy, either because there is no paid entitlement or because the employee has exhausted other appropriate alternative.
- 3.5 The leave requests outlined below relate to a rolling 12-month period.
- 3.6 The Trust expects all employees to act honestly in the application of this policy. Any dishonest behavior (including providing false or misleading information) or abuse of the provisions contained herewith will be considered a disciplinary matter.
- 3.7 Employees who feel they have not been treated reasonably in relation to an application for leave under this policy should discuss the matter with their line manager in the first instance. If this matter cannot be resolved, please contact the People department.

4. Dependent Care Leave

- 4.1 Employees have a legal right to time off to deal with a domestic incidents and emergencies involving a dependent living at the same address.
- 4.2 A 'dependent' includes spouse, domestic partner, parent, child or sibling (including those who are an in-law or step-relative).
- 4.3 An emergency relates to unforeseen circumstances relating to the above dependents that require urgent attention by member of staff. Examples include illness, injury and breakdown in care arrangements.
- 4.4 By definition, 'emergency' situations do not include ongoing care, routine appointments and other foreseen requirements. In these instances, annual leave or TOIL can be requested in the usual way.
- 4.5 Employees are entitled to up 5 days paid dependent care leave per year, with no more than two days being permitted per occasion. Any additional days thereafter will be unpaid.

5. Unpaid Parental Leave

- 5.1 Eligible employees can take unpaid parental leave to look after their child's welfare. This may include:
 - Spending more time with their children
 - Looking at new schools

- Settling children into a new childcare arrangement
- Spending more time with family
- Supporting children with ill health

5.2 Unpaid parental leave is a statutory entitlement for employees who have parental responsibilities. Employees qualify if the following criteria is met:

- They have been employed by the Trust for more than a year
- They are named on the child's birth or adoption certificate or they have or expect to have parental responsibility
- They are not a foster parent (unless they have secured parental responsibility through the courts)
- The child is under 18

5.3 Up to 18 weeks leave may be taken for each child up to their 18th birthday; the maximum annual allowance is 4 weeks for each child.

5.4 Unpaid parental leave must be taken in weekly periods rather than individual days, except where the child is disabled. A 'week' equates to the length of time an employee normally works over 7 days. (e.g., *If an employee works 2.5 days a week, one 'week' parental leave would equal 2.5 days.*)

5.5 Employees must give a minimum of 21 days notice of their intention to take unpaid parental leave. This needs to be sent to their line manager and to the People department:
people@brightonacademiustrust.org.uk

5.6 The Trust will seek to accommodate the requests of the employee, however, in certain circumstances it may be necessary to postpone the leave for up to 6 months. This will be necessary where there is a significant business reason. Note that postponement will not be permitted where the leave immediately follows the birth/placement of a child.

6. Domestic Emergency Leave

6.1 A domestic emergency is an unforeseen and substantial incident that requires the immediate attention of the employee.

6.2 A domestic emergency does not include pre-arranged deliveries and appointments. In these instances, annual leave or TOIL can be requested in the usual way.

6.3 Employees are entitled to up to 5 days domestic emergency unpaid leave per year, with no more than two days being permitted per occasion.

7. Compassionate Leave

7.1 Compassionate leave is available to employees in the case of a death or serious illness/injury of a close relative.

7.2 A close relative is considered to be a spouse, domestic partner, parent, child, sibling or grandparent (including those who are in-laws or step relatives). The manager has the discretion to extend this based upon the individual circumstances of the individual.

7.3 Employees are entitled to up to 3 days paid compassionate leave for each situation defined in 7.1.

7.4 Additional unpaid compassionate leave may be granted at the discretion of the manager. Except in exceptional circumstances, the total leave taken will not exceed two weeks.

8. Statutory Parental Bereavement Leave

- 8.1 Statutory Parental Bereavement Leave (SPBL) is a statutory entitlement for all employees, regardless of the length of their service. SPBL allows for 2 weeks' leave if an employee suffers the loss of a child under the age of 18 or suffers a stillbirth from the 24th week of pregnancy. The two weeks' SPBL can be taken in a single block of two weeks or as two separate blocks of one week. This entitlement applies equally to all employees.
- 8.2 Statutory Parental Bereavement pay is a payment made by an employer on behalf of the Department for Work and Pensions to eligible employees during their period of parental bereavement leave.
- 8.3 To qualify for statutory parental bereavement pay, an employee must have:
- worked for the Trust for at least 26 weeks continuously;
 - average earnings of equal or above the National Insurance lower earnings limit (*£120 per week as of April 2021*).
- 8.2 Statutory parental bereavement pay is payable at £151.97* or 90% of average weekly earnings, whichever is the lower (**amount payable as at April 2021*).
- 8.3 The above payments are subject to lawful PAYE deductions including tax, national insurance and pension contributions if applicable. Deductions arising from salary sacrifice arrangements cannot be applied to statutory parental bereavement pay, including but not exclusively court orders, child support agency payments, childcare vouchers. Employees should contact the Payroll team- payroll@brightonacademiestrust.org.uk or by telephone 01424 905290 to discuss their individual queries.

9. Occupational Parental Bereavement Leave Pay

- 9.1 Occupational Bereavement Pay (OBP) is the enhanced element of Statutory Bereavement Leave Pay which employees are entitled to, providing they meet the Bereavement Leave eligibility conditions detailed in point 8 of this policy. The entitlement is 2 weeks of full pay, offset against any other payments which may be in place at the time. This includes maternity, paternity, statutory bereavement leave payments and maternity support leave where applicable.
- 9.2 OBP payments are the same for all employees. For support staff, to be eligible for OBP staff need to meet the requirements of the maternity support leave conditions – detailed in the 'Green Book' which are:
- that they are the child's mother
 - that they are the child's father / partner to the mother
 - that they assist with the care of the child as nominated by the mother of the child

10. Leave for Public Office Duties

- 10.1 Employees are entitled to time off to partake in certain public office duties if they are a:
- Magistrate/Justice of the peace
 - Local councilor
 - School governor
 - Member of any statutory tribunal
 - Member of the managing or governing body of an educational establishment
 - Member of a health authority
 - Member of the Environment Agency
 - Member of the prison independent monitoring boards
 - Trade union member

- 10.2 Employees are entitled to up to 10 days leave for the above public office duties, 5 of which will be paid.

11. Unpaid Leave

- 11.1 It is recognised that there will be other occasions where staff request time off work for reasons that do not fall within the above categories. In these instances, employees are encouraged to take annual leave or TOIL.
- 11.2 In exceptional circumstances, unpaid leave may be granted to employees for reasons in which there is no specific entitlement. Employees are encouraged to discuss their individual circumstances with their line manager.

12. Absent without Leave – (AWOL)

- 12.1 Any employee will be considered AWOL from the Trust if they are absent from work without permission and fail to follow the Trust's absence reporting procedure.

This applies to all employees. It is important to be aware that failure to comply may result in the disciplinary process being undertaken. Each circumstance will be considered on a case by case to ensure that fair and equitable approach is taken.

13. Further Support and Guidance

- 13.1 If you require additional information or support relating to this policy, please contact the People department either on email people@brightonacademiestrust.org.uk or by telephone 01273 082005.

14. Policy Status and Review

Written by	People Operations Manager
Owner	Head of People
Status	TBC
Equality Impact Assessment	Initial Impact Assessment Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Full Impact Assessment Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
JCC Consultation date	09/10/2018 – 31/10/2018 June 2021
Approval date	14/11/2018 (Remuneration & HR Committee) TBC
Review date	01/04/2022
Comments	This policy applies to all employees of the Trust.

Appendix A: Leave of Absence Application Form

Personal Details	
Name	
Position	
Academy/Department	

Absence Details			
Type of Absence	Choose an item.		
Date From		Date To	
Reason for Request			
Signed		Dated	

Authorisation			
Approved	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amended <input type="checkbox"/>
If approved, will this be:	Paid <input type="checkbox"/>	Unpaid <input type="checkbox"/>	TOIL <input type="checkbox"/> Other <input type="checkbox"/>
Comments			
Signed		Date	
Print		Position	

Please ensure iTrent is updated and please send this form to people@brightonacademiustrust.org.uk