



EBORA ACADEMY TRUST

Policy Number

22E

Leave Policy

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Contents

1.	Introduction	3
2	Annual Leave	3
3	Other Leave	4
4	Time off in Lieu	6
5	Maintenance of Records	8

1. Introduction

1.1. What does this policy do and who is it for?

This document outlines the Ebor Academy Trust's policy and process for requesting and approving leave. The aims of this document are to establish a clear policy for all leave requests and ensure consistency of approach across the Trust; to comply with employment legislation and to adhere to our commitment to good employment practice. The provisions within this policy are not exhaustive and if requests for leave fall outside this document the line manager should refer the matter to the CEO who will consider requests after seeking advice from HR.

Section 2 of this policy is applicable to non-teaching employees only. The rest of this policy is applicable to all employees.

The Ebor Academy Trust may vary any part of this procedure at any point following consultation.

1.2. Who isn't it for?

This policy is for those members of the non-teaching staff (who do not fall into the Teacher Pay and Conditions) who are contracted for 52 weeks per year. Separate policies cover Maternity, Maternity Support, Pre-Adoption, Adoption, Foster Carer's, Paternity and Additional Paternity Leave

2. Annual Leave

2.1. Annual leave year

The annual leave year for all Ebor Academy Trust employees runs from 1st September to 31st August each year.

Annual leave is pro-rated for part time employees. Employees should see their contract of employment for their annual leave allowance.

The Ebor Academy Trust recognises the following English Public Holidays:

- New Year's Day
- Good Friday
- Easter Monday
- May Day Bank Holiday
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day
- (any other public holiday as announced by the Government)

Employees working 52 weeks per year will be given paid time off as annual leave. Those employees working less than 52 weeks will receive their annual leave as part of their salary. However, term time only staff can request up to 5 days' unpaid leave.

The number of allocated days an individual will receive will remain in line with the policy applied by the local authority, and transferred under TUPE.

Employees are to manage their annual leave allocation in a way that avoids being left with untaken allocation at the end of the leave period. Therefore, employees are discouraged from carrying over annual leave into the next leave year unless there are exceptional circumstances. Any request (to a maximum of 5 days) must be made in writing to the CEO, this should be made one month before the end of the academic year. Leave may be carried over for any employee on long term sick leave, maternity, paternity, or adoption leave.

When an employee leaves the Ebor Academy Trust, they will be expected to use their remaining annual leave prior to leaving. If this is not possible, employees will receive a payment for any outstanding leave in their final salary. Where an employee has taken a higher proportion of their annual leave than they are entitled to at the date of leaving, this will be recovered from their final salary payment e.g. An end of February leaver (6 months into leave year) should only have taken half their leave entitlement.

In certain circumstances annual leave may continue to accrue when the employee is absent from a Trust school. This will only apply in specific circumstances such as maternity leave, adoption leave, paternity leave, parental leave and long term sickness absence.

Should a member of staff fall sick during a period of annual leave, they would be recorded as sick, and the leave would be re-credited on production of a medical certificate, regardless of duration.

2.2. Applying for Leave

All requests for leave must follow the Academy procedures that are in place.

Leave should be requested with as much notice as possible. Requests are unlikely to be agreed without a minimum of 2 weeks' notice.

For any emergency leave requests, employees must contact a member of the Senior Leadership team within the relevant Academy or the Ebor Academy Trust CEO or Finance Director.

All annual leave must be taken during the Academy holidays. Academy employees will not usually be permitted to take annual leave during the term time.

Due to increased business requirements during Academy holiday, employees on annual contracts within the Ebor Academy Trust may take up to 5 days' annual leave during term time. This is, however at the discretion of their line manager and dependent upon business requirements.

3. Other Leave – All Employees

3.1. Compassionate Leave

Compassionate leave is usually granted for bereavement but may be awarded in other circumstances at the discretion of the Principal, Headteacher, Executive Headteacher, Finance Director or CEO. Compassionate paid leave for bereavement may be granted up to a maximum of 5 working days. This may be increased in certain circumstances, including:

- Death of a direct family member (for example: spouse, partner, child, parent, sister, brother)
- Death of a close relative (for example: grandparent, parent in law, son or daughter in law, brother or sister in law, step families).

Any other requests for compassionate leave e.g. distant or non-relatives, would be considered on an individual basis by the HR Manager

In appropriate circumstances it may be reasonable to consider requests for a limited amount of additional paid or unpaid leave. This should be done through completing the relevant request form obtained from the HR manager.

3.2. Medical Appointments

Time off to attend doctors, dentists, hospitals and opticians for non-urgent or routine visits will only be granted if such appointments cannot be arranged outside of working hours. Where this is not possible because it is an emergency, appointments should be made to minimise loss of working time, that is, at the beginning or end of the working day or during lunch breaks. This leave is normally awarded as paid but may be unpaid leave at the discretion of the HR Manager. An appointment card will be requested by the line manager prior to approving the time off.

Appointments relating to elective surgery will not be paid.

3.3. Dependant's leave

All employees have the right to a reasonable amount time off during working hours for dependants, this time is required to deal with unforeseen issues or emergencies.

A dependant is defined as a spouse, civil partner, partner, child, parent or a member of the employee's household who is not their employee, tenant, lodger or boarder.

All employees are eligible for carer's leave regardless of their length of service.

Paid leave will not normally exceed 5 days per academic year except in exceptional circumstances. However, paid dependant care leave is a request not an entitlement. Further unpaid leave may be granted. This is at the discretion of the HR Manager.

3.4. Other leave with Pay

In all of these instances the Principal, Headteacher, Executive Headteacher, Finance Director or CEO's discretion will apply.

Religious Observance: 1 day's paid leave per academic year. An additional 2 days may be requested using annual leave, unpaid leave or lieu time

Examination/study leave: Paid time off will be granted for course attendance, and exams, for approved courses.

Graduation Ceremony: 1 day's paid leave

Job interviews: Up to 3 days per academic year. (For redundancies please refer to the Redundancy and Restructure Policy)

3.5. Time off for public duties

Those who undertake specific public duties as listed below are eligible for a reasonable amount of paid leave. The actual amount of leave granted is at the discretion of the Principal, Headteacher, Executive Headteacher, Finance Director or CEO. All leave must be authorised in advance and employees must give the Academy Trust as much notice as possible. Failure to give adequate notice for voluntary public duties will result in the request being refused.

The provisions described below are designed to clarify and not detract from the statutory rights set out in Part VI, Section 50 of the Employment Rights Act 1996.

- Lord Mayor
- Parliamentary candidate
- Justice of the Peace (JP)
- Councillor in local government
- Member of a police authority
- Member of a Health Authority or Primary Care Trust
- Governor of local authority educational establishment
- Member of the Board of Prison visitors
- Member of a statutory tribunal panel
- Member of the Service Authority for the National Criminal Intelligence Service or the National Crime Squad
- Member of the Environment Agency

3.6. Jury Service

An employee receiving a summons to serve on a jury must report this as soon as possible to their line manager.

An employee serving as a juror shall claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowances Regulations. Employees will be given a Certificate of Loss of Earnings from the court services which must be forwarded to the line manager.

On completion of jury service, employees must send their remittance form to the manager to ensure that the administrative procedures for adjustment to salary are completed. An amount equal to the allowance received will then be deducted from the employee's pay.

3.7. Court Appearance

Time off will be granted for any court appearances as a witness. This will be paid leave at the discretion of the Principal, Headteacher, Executive Headteacher, Finance Director or CEO.

3.8. Recognised Trade Union workplace representatives

Reasonable time off will be granted for elected trade union workplace representatives for training and to carry out their **duties** during working time in compliance of Section 1 of the "ACAS Code of Practice – Time off for trade union duties and activities – January 2010".

3.9. Trade Union members

In accordance with Section 3 of the "ACAS Code of Practice – Time off for trade union duties and activities – January 2010", employees who are members of a trade union are entitled to reasonable time off without pay in connection with trade union **activities**.

3.10. Unpaid Leave

In circumstances where paid leave cannot be granted, unpaid leave may be awarded at the discretion of the Principal, Headteacher, Executive Headteacher, Finance Director or CEO. This may include:

- Special Leave - provided to allow employees to deal with a personal or domestic issue
- Emergency Leave – for serious home or domestic emergencies
- External reasons – severe weather, national fuel shortages, epidemics preventing attendance at work (alternative options should be explored e.g. working from home, annual leave)

4. Time Off in Lieu Policy and Procedure

4.1. Core Hours

On occasions, some staff are required to work outside what are considered 'core' hours of work or beyond their contracted hours in order to meet the needs of the service. Core hours are between 8.30 am and 4.30 pm.

The Trust recognises its duty to protect the health and safety of its staff by ensuring that they do not work too many hours and that they are recompensed by taking time off in lieu (TOIL) for any extra time that they do have to work.

This policy sets out both a definition of the TOIL system and some guidelines for its implementation.

4.2. What is TOIL?

Lieu time is time off which you are allowed to take in lieu of (i.e. instead of) overtime pay, for hours worked beyond the working day (i.e. evenings and weekends).

TOIL allows staff to respond flexibly to unexpected service or personal needs as well as respond to the occasional need to vary the timings of service provision. For example, where an employee is requested to work after or before normal working hours to complete an urgent report or to attend a meeting, this time is logged and taken back within an agreed timeframe.

4.3. General Principles of TOIL

TOIL is not flexitime, and is not a tool to be used to accrue time to enable extra days leave to be taken. Most duties are carried out as part of normal contractual working hours.

TOIL is an exceptional rather than a routine occurrence. It is to ensure that when staff attend meetings, conferences or visits that extend beyond normal working hours, this time can be taken back.

TOIL should not result in changes to normal working arrangements, for example every Friday afternoon becoming a 'TOIL' afternoon, or working through lunch times and leaving work early each day. The scheme must be used in the best interests of effective service provision.

4.4. Who does this apply to?

This policy will apply to all non-teaching staff. The Leadership Team and senior managers will not access TOIL due to the nature of their work. Some staff may be excluded by the nature of their work, or variations agreed for operational reasons. Any member of staff who is found to have abused the TOIL scheme may have it withdrawn and be subject to disciplinary action up to and including dismissal.

The Trust reserves the right to assess the reasons for TOIL accrual and to make adjustments to reduce high levels accruing where it considers it appropriate to do so

4.5. Rules on Accruing and Taking TOIL

- Staff must agree with managers any time to be worked outside of normal working hours in advance. If this is not practical for any reason, staff must contact their manager as soon as possible afterwards.
- Staff must obtain their manager's approval before taking any TOIL, in the same way that annual leave is approved. As a general rule time worked which is below 30 minutes will not be recognised for the purposes of TOIL. In the case of support staff in schools, in giving approval the manager will consider the impact on classes and whether cover will be required.
- Employees will be responsible for completing their own TOIL recording sheet. This will be kept by the employee, signed and passed to the line manager/supervisor for agreement at each credit/debit. The recording sheet should be readily available for managers to see at any time.
- Staff will not accrue more than 5 TOIL days in one annual cycle, except in exceptional circumstances and with prior consent of their line manager and authorised by the executive board. It will stop accruing at that point.
- TOIL can be taken at any time but must not be more than two consecutive days. The timing of the time off must be agreed in advance with the line manager.

- On termination of employment, all TOIL must be at a zero balance. Employees will not be paid in lieu of accrued TOIL which has not been taken by the final date of employment. Any such accrued TOIL will be lost.
- Time off must be equal to time actually worked: i.e. there is no provision for time-and-a-half, double time, etc. – if you work two hours, you can claim two hours TOIL, regardless of whether the occasion is evening or weekend.

5. Maintenance of Records

Managers are required to monitor and keep accurate records of any leave granted in accordance with these arrangements.

These arrangements are for the benefit of all Ebor Academy Trust staff. The abuse of this policy by any member of staff obtaining leave under false pretences will be considered serious and will result in disciplinary action.