



ORMISTON
SIX VILLAGES
ACADEMY



Leave of Absence Guidance for OAT Schools

Approved by the Principal: May 2017

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Special Leave of Absence Guidance for Academies 2015

Summary

This guidance deals mainly with special leave for compassionate or other personal reasons, in accordance with staff conditions of service

Special leave of absence scheme - introduction

The scheme is in two parts:

- The limited discretionary powers available to Principals, with a commentary
- The role of governing bodies in dealing with all other matters, including some guidance

Part 1 of the scheme – Principals limited discretion

The limited discretions available to Principals allow them to grant special leave of absence, subject to the needs of the academy, for specified reasons and within specified limits. In most cases the scheme specifies that special leave, if granted, is paid.

Attached to each reason is a commentary which has been prepared by OAT to assist Principals in the interpretation and management of the scheme.

Part 2 of the scheme – IEB's decisions

Governing bodies are responsible for decisions about leave which are not within the Principals discretion, including applications for special leave from the Principal, and should delegate such decisions to the chair of the IEB or a suitable committee, so that any appeals can be heard by the appeals committee. There should be a policy, or at least some guidelines, to provide fair and consistent treatment to all employees. Attached to this part of the scheme is some advice to assist governors in preparing their own policy on special leave of absence.

Managing requests for special leave

Principals should:

- Remind employees that they must apply for special leave, and in reasonable time, having regard to the fact that some requests will be outside the discretion of the Principal and there have to be referred to a committee of the IEB;
- draw employees' attention to the leave of absence scheme as part of induction and also at the beginning of each academy year;
- remind all employees at appropriate intervals that they are expected to consider their responsibilities under their contracts of employment and how to reconcile them with family needs, in particular to try to plan in advance for the possibility that normal care arrangements may be disrupted (see suggested notice);
- explain that if requests for special leave become frequent a Principal or member of the SLT may need to discuss the personal reasons with the employee because the frequency is incompatible with the needs of the academy;
- invite employees to apply - at the beginning of the academy year where possible, otherwise as soon as possible - for leave of absence for unavoidable religious ceremonies, so that plans for cover can be made in good time, on the understanding that the leave is only for religious ceremonies which have to be observed unavoidably and cannot be observed outside working hours – see below for further guidance.

Suggested notice for staff (see appendix 1 below)

A suggested notice for Principals to give to all staff at the beginning of the academy year and as part of induction is attached. Principals can adapt this notice to suit the circumstances of their particular academy.

Time off for dependents – the law

Section 57A of the Employment Rights Act 1996 (as amended) provides that

“An employee is entitled to be permitted by his employer to take a reasonable amount of time off during the employee’s working hours in order to take action which is necessary-

- (a) to provide assistance on an occasion when a dependent falls ill, gives birth or is injured or assaulted;
- (b) to make arrangements for the provision of care for a dependent who is ill or injured;
- (c) in consequence of the death of a dependent;

(d) because of the unexpected disruption or termination of arrangements for the care of a dependent; or

(e) to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him.”

There is an explicit statement that illness or injury includes mental illness or injury.

“Dependent” is defined as an employee’s spouse or civil partner, child, parent, a person living in the same household at the employee (other than a tenant, lodger, boarder or employee). For the purposes of (a) and (b) above, a dependent also includes any person who reasonably relies on the employee for assistance on an occasion when the person falls ill or is injured or assaulted or to make arrangements for the provision of care in the event of illness or injury. For the purposes of (d) above it also includes any person who reasonably relies on the employee to make arrangements for the provision of care.

The rights do not apply unless the employee tells the employer the reason for absence as soon as reasonably practicable and, except where that cannot be done until after the employee has returned to work, tells the employer how long he or she expects to be absent.

The Act is silent on the question of pay, i.e. it does not specify that the time off must be paid or unpaid.

Reasonable time off for dependents – guidance on special leave

This is probably the most difficult part of the leave of absence scheme to manage.

The legal right to reasonable time off for dependents (see above) is one of the various pieces of legislation to support parents and others with caring responsibilities in the context of a society where support from relatives is not necessarily available, where Government encourages parents to work and where people seek the advantages of paid employment.

Although the Act uses the phrase “entitled to be permitted by his employer” it does not specify that the permission has to be given in advance. However, the test of reasonableness is crucial and employees are not entitled to unreasonable time off. Therefore it is in the employee’s interests to seek assurance as soon as practicable that the absence is regarded as reasonable and therefore covered by the statutory right.

There is no definition in the legislation of “reasonable”. However, employees have a duty under their contracts of employment to be available for work, unless they are sick or on maternity leave (or paternity leave, parental leave etc.).

As part of that duty they should make arrangements for the regular care of dependents who need such care. Problems arise when these normal care arrangements are disrupted. The question at issue is whether it is reasonable to expect an employee to have alternative arrangements. Usually this question is asked when a child of an employee is too ill to go to school or to the childcare provider, and the employee has no relative or friend able to care for the child at home.

Reasonable time off is related to the time when the circumstances arise, hence the use of the terminology “when a dependent falls ill” rather than when a dependent is ill. There is specific provision for time off to make arrangements for the provision of care for a dependent who is ill or injured.

By its definition of a dependent the legislation also acknowledges that an employee may only be called upon to provide care in an emergency rather than on a regular basis and in respect of these dependents (who are likely to be adults) cannot be expected to have either normal or alternative care arrangements in place.

There has not been much case law on the interpretation of ‘reasonable’ in respect of time off for dependents. One employment tribunal case heard that both the normal care arrangements and the alternative care arrangements on which the employee had relied when normal care had been disrupted previously were unavailable on a particular day and found that the employee’s request for that day off work was reasonable, even though the unavailability of both arrangements was known in advance. “Unexpected” disruption or termination of arrangements for the care of a dependent is therefore not the same as “sudden”. Even if the disruption is known some time in advance the test of reasonableness may still be met. In this case the employee had alternative arrangements, so it offers no guidance on the reasonableness of time off when no alternative arrangements have been made.

However, the terminology of the legislation offers some guidance. It relates to the time when circumstances arise, by using the phrase “when a dependent falls ill” rather than when a dependent is ill. It also makes specific provision for time off to make arrangements for the provision of care for a dependent who is ill or injured, so it does not envisage that the right to reasonable time off will extend to caring for a dependent for the whole duration of the illness.

Government guidance states that an employer who feels that an employee is taking more time off than the employer can sustain should warn the employee that the level of time off is unacceptable.

As the leave of absence scheme allows Principals to exercise their discretion to grant up to three days' paid leave on any one occasion due to the illness of a member of the teacher's immediate family, it implies that granting such leave would be reasonable. However, the leave of absence scheme as a whole is discretionary and subject to the needs of the academy. The Principal has to balance those needs with the circumstances of the employee, and with precedents and fairness, having regard to the maxim that good employees are an academy's most valuable asset.

Time off for medical appointments etc.

Employees are expected to arrange appointments with doctors and dentists outside working hours.

It is acknowledged that this may not be possible when the appointment is with a hospital consultant, although where possible employees should seek an appointment during the academy holiday. However, when this is not possible (because of waiting lists or the urgency of the medical condition) then the employee should be given paid time off to attend the appointment. Likewise when an employee needs to see a doctor or dentist urgently and an appointment is not available outside academy hours paid time off should also be granted; it is "an urgent personal reason, which could not have been foreseen".

Weddings

Although the leave of absence scheme does not refer to civil partnerships, the same rules should be followed, in order to comply with the Equality Act.

Time off for weddings is not a right. Principals do not have discretion to grant leave of absence for employees' own weddings. Employees are expected to arrange their own weddings at weekends or during academy holidays and not to seek any time off work for the wedding or the honeymoon. Principals are advised to ensure that this expectation is fully understood, employees' requests for time off during term-time for their own weddings are highly likely to be denied by the IEB, even in cases when weddings are arranged not by the bride and groom but by their families.

Employees should be invited, wherever practicable, to advise close relatives planning a wedding that contracts of employment in academies do not enable employees in academies to take annual leave during academy terms, so that they would have to apply for special leave to attend a wedding taking place during academy hours, and that the result of such an application would depend on the needs of the academy. This could therefore lead to a request for leave of absence being denied.

A close relative is defined by OAT as "parent, husband, wife, brother, sister, child, grandparent, grandchild, parent-in-law, daughter or son-in-law" and also "a person standing in special relationship to the employee".

An application for absence in excess of 3 days must be referred to the appropriate committee of the IEB, as the Principal does not have discretion to grant more than the day of the wedding, and up to two days for travelling if necessary. In general this leave would be auth but unpaid.

Principals do not have discretion to grant special leave for rehearsals for weddings.

Religious ceremonies and religious worship

Religious ceremonies may, or may not, form part of a religious festival. Some important religious festivals may not include ceremonies but may nonetheless require observance; others may not require observance or will be celebrated on the nearest weekend to the due date.

There may be differences in the importance attached to particular ceremonies or festivals between different branches of the same religion. The authority's information is that the following will require observance unavoidably:

Yom Kippur (Jews)

Jewish New Year (Orthodox Jews)

Eid-ul-Fitr and Eid-ul-Adha (Muslims)

Divali (Hindus)

either the Birthday of Guru Nanak or Baisakhi/Vaisakhi (according to the particular branch of Sikhism)

Birthday of Emperor Haile Selassie I (Rastafarians).

Paid leave of absence should therefore be granted for the day on which these unavoidable religious observances fall if that day is during an academy term and not at a weekend or academy holiday. Principals are advised to invite employees to apply for leave of absence at the beginning of the academy year if possible, otherwise as soon as possible, so that plans for cover can be made in good time.

In some academies, it can be predicted that a significant number of employees, or of a particular category of employee, will request leave of absence for a religious ceremony which their faith requires them to observe. If granting leave of absence to all of those employees would lead to real problems in the running of the academy, then the IEB is advised instead to consider changing the term dates in which case they should talk to the school improvement team in the first instance. Before changing the academy's term dates, a IEB will of course need to consult both parents and staff and should consider

- how to achieve the least possible disruption to children's education
- the need to give plenty of notice – this should be at least two terms – to all involved, parents and staff, because of the impact on childcare arrangements and holiday bookings

Designating the day of a religious festival a training day is not an option, because those employees observing that festival could claim that they have been deprived of the opportunity of training on that day and have therefore suffered unlawful discrimination on the grounds of their religion. Nor is it legal to give the academy an extra day's holiday, because statutory regulations require academies to open for pupils for 380 sessions (190 days).

The IEB also has discretion to grant leave of absence, with salary or without, for festivals or ceremonies which adherents of the faith regard as important but which are not absolutely obligatory.

The relevant committee of the IEB is advised to grant paid leave when an employee wishes to attend the ordination (or equivalent) of a member of his or her immediate family and unpaid leave for attendance as a delegate to the General Synod or parallel religious assembly.

It is recommended that in exceptional circumstances, when pilgrimage is required of a believer and cannot be undertaken during academy holidays, unpaid leave should be granted because of the religious duty attached to it. (Pilgrimage to Mecca is required of every Muslim at least once in his or her lifetime and pilgrimage to the Golden Temple at Amritsar of Sikhs likewise.) These events run in cycles and over a period of time can fall during periods that would minimise the impact to education.

There is no legal requirement to provide time or facilities in the workplace for religious or belief observance. If a room is available and its use for prayer would not disrupt the work of the academy, it would be good practice to permit such use. However, academies must be careful to ensure that there is no direct or indirect discrimination or perception of unfairness between different employees in giving such permission.

There is some useful general guidance in a publication from ACAS, although it does not deal specifically with academies and schools.

Time off for study or training

There is no automatic right to provide time off for study or training however often leave is granted if the course or study is relevant to their role and delivers benefit to the academy

Time off to sit and exam like English or Math's may be granted, with or without pay at the discretion of the Principal.

Driving tests appointments should be made outside working hours or in the holidays

Armed forces - reservists

Volunteer members of the Armed Forces Reserves (including commissioned officers accredited to cadet units) should try to arrange their annual training during academy holidays. However, if this is not possible, then they should be granted paid leave for the fortnight's training.

For reservists called up for active service, the Reserve Forces Act allows the Ministry of Defence to compensate companies for the loss of key employees and allows them to apply for an exemption or deferral.

Employees dissatisfied with decisions about leave of absence

Staff have the right to appeal if they feel their request has been unfairly refused by contacting the relevant committee of the IEB.

LEAVE OF ABSENCE SCHEME – PART ONE – LEAVE WHICH THE PRINCIPAL HAS DISCRETION TO GRANT

In the cases in the table below Principals may grant leave of absence without prior reference to the IEB, having regard to the merits of the individual case and the needs of the academy, provided that the period of absence ordinarily allowed in each case is not exceeded.

The final column in the table is not part of the leave of absence scheme, but includes advice and guidance from OAT to help Principals exercise their discretion in respect of particular aspects of the scheme. Leave of absence should be recorded on staff attendance files and reviewed as part of the monitoring and evaluation of attendance process.

Requests outside the Principals discretion

If the request made to the Principal is not within their discretion under the leave of absence scheme, the Principal should refer the request to the appropriate committee of the IEB for determination in accordance with the IEB's role in the leave of absence scheme. In urgent cases the Principal may have to seek a decision from the chairperson of the IEB in accordance with the Academy Governance Regulations.

LEAVE OF ABSENCE SCHEME – PRINCIPALS DISCRETION			COMMENT AND ADVICE
REASON FOR ABSENCE	PERIOD OF ABSENCE ORDINARILY ALLOWED	WHETHER TO BE APPROVED WITH SALARY OR WITHOUT	
			<p>Requests for leave outside the following items, which are specified as being at the Principals discretion, are for the appropriate committee of the IEB to determine.</p> <p>Where the scheme states that the leave is to be approved with salary the Principal has no discretion to stipulate that the leave should be unpaid.</p>
Death and funeral of a close relative	Up to 3 days, plus up to 2 days for travelling if necessary	With salary	<p>A close relative is defined as “parent, husband, wife, brother, sister, child, grandparent, grandchild, parent-in-law, daughter or son-in-law” and classes with these “a person standing in special relationship to the employee”. This would include a partner.</p> <p>This provision overlaps with the statutory right for reasonable time off for dependents, unpaid, under the Employment Rights Act 1996 as amended. The Act provides that an employee is entitled to be permitted by his or her employer to take a reasonable amount of time off during the employee’s working hours in order to take action which is necessary in consequence of the death of a dependent.</p> <p>It may be appropriate for the IEB (through its staffing committee) to grant extra paid leave, over and above that open to the Principal, to take account of any extra time required for travel, depending on the accessibility of the place of residence of the relative.</p>

LEAVE OF ABSENCE SCHEME – PRINCIPALS DISCRETION			COMMENT AND ADVICE
Funeral of a close friend	Up to 1 day	With salary	It is noted that the leave of absence scheme does not give the Principal discretion to grant extra time for travelling to the funeral of a close friend (as distinct from that of a close relative). It may be appropriate to grant extra unpaid leave to take account of any time required for travel. Additional paid leave would need to be approved by governors.
Illness of a member of teacher's immediate family	Up to 2 or 3 days *delete as appropriate for your academy	With salary	<p>This provision overlaps with the statutory right for reasonable time off for dependents, unpaid, under the Employment Rights Act 1996 as amended, one of the various pieces of legislation to support parents and others with caring responsibilities in the context of a society where support from relatives is not necessarily available, where Government encourages parents to work and where people seek the advantages of paid employment.</p> <p>There is no definition in the legislation of “reasonable”. However, employees have a duty under their contracts of employment to be available for work. As part of that duty they should make arrangements for the regular care of dependents who need such care. Problems arise when these normal care arrangements are disrupted. Reasonable employers will provide for limited paid leave to deal with an unforeseen emergency breakdown in care arrangements.</p> <p>However, the leave of absence scheme as a whole is discretionary and subject to the needs of the academy. The Principal has to balance those needs with the circumstances of the employee, and with precedents and fairness, having regard to the maxim that good employees are an academy's most valuable asset.</p> <p>If a member of staff is requiring frequent emergency childcare LOA then a meeting should be held to discuss the circumstances and employees ability to fulfil their contract of employment. Seek advice from HR if appropriate.</p> <p>Neither the statutory right to time off for dependents nor the Principals discretion to grant leave of absence extends to requests for indefinite leave to nurse a relative suffering from a serious, long illness and such matters should be referred to the appropriate committee of</p>

LEAVE OF ABSENCE SCHEME – PRINCIPALS DISCRETION			COMMENT AND ADVICE
			<p>the IEB, which is advised to consider requests to nurse a terminally sick relative or partner, close friend or companion with particular sympathy, granting paid leave of absence in the first instance and reviewing the situation.</p> <p>Visits to (rather than nursing) a terminally ill person resident in the United Kingdom or easily accessible countries in Europe can normally be arranged at weekends or during academy holidays, and, depending on the prognosis and the timing of academy holidays, can also be arranged during holidays if the person lives further away, but if death is imminent it would be appropriate to grant paid leave of absence during the working week, up to a maximum of ten days. If the illness is not terminal any leave beyond that granted under the Principals discretion should be unpaid.)</p>
Attendance at hospital appointment/consultant	up to 1 day	paid	Where a member of staff need to see a specialist and the appointment cannot be made outside school hours the appointment will be approved and paid subject to a copy of the letter being provided to the Principal. Follow up appoints will also be authorised and paid.
Time to attend hospital appointments with a child or dependent	up to 2 days	Paid	In the case that a member of staff need to attend hospital with their child for a specialist appointment paid leave will be granted up to the equivalent of 2 days a year, if the member of staff's circumstances require additional leave this may be granted but would be unpaid.
Emergency dental/Drs	As required	paid	In the event that a member of staff need to see a dentist urgently leave will be granted by the principal however staff should always try to make appointments outside the school day

LEAVE OF ABSENCE SCHEME – PRINCIPALS DISCRETION			COMMENT AND ADVICE
Wedding of close relative or close friend	1 day plus up to 2 days for travelling if necessary	With salary for the day unpaid for travel	<p>Although the leave of absence scheme does not refer to civil partnerships, the same rules should be followed, in order to comply with the Equality Act.</p> <p>Time off for weddings is not a right.</p> <p>Principals do not have discretion to grant leave of absence for employees' own weddings. Employees are expected to arrange their own weddings at weekends or during academy holidays and not to seek any time off work for the wedding or the honeymoon.</p> <p>Principals are advised to ensure that this expectation is fully understood, employees' requests for time off during term-time for their own weddings are highly likely to be denied by the IEB, even in cases when weddings are arranged not by the bride and groom but by their families.</p> <p>Employees should be invited, wherever practicable, to advise close relatives planning a wedding that contracts of employment in academies do not enable employees in academies to take annual leave during academy terms, so that they would have to apply for special leave to attend a wedding of a close relative or close friend taking place during academy hours, and that the result of such an application would depend on the needs of the academy. This could therefore lead to a request for leave of absence being denied.</p> <p>A close relative is defined as "parent, husband, wife, brother, sister, child, grandparent, grandchild, parent-in-law, daughter or son-in-law" and also "a person standing in special relationship to the employee".</p> <p>The Principal does not have discretion to grant more than the day of the wedding, and up to two days for travelling if necessary.</p> <p>Principals do not have discretion to grant special leave for rehearsals for weddings.</p>
University Graduation Ceremony of teacher	1 day	With salary	In the case of circumstances where additional time for travel is requested the Principal can auth up to 2 days travel time without pay but this is at their discretion.

LEAVE OF ABSENCE SCHEME – PRINCIPALS DISCRETION			COMMENT AND ADVICE
or of teacher's immediate family			
Other very urgent and special personal reasons which could not reasonably have been foreseen	Up to 3 days	With salary	The maximum number of days applies to each occasion on which leave is granted. There is no annual or termly limit, but all requests for special leave of absence are to be considered with regard to the merits of the individual case and the needs of the academy. If such requests become frequent a Principal may need to discuss the personal reasons with the employee and explain that the frequency is incompatible with the needs of the academy.
Removal of house	One day unless relocating to your academy from another area where up to 2 days may be granted.	With salary	Time off for removals is not a right, and if an employee is not constrained by completion dates and can arrange to move at a weekend or during a academy holiday the employee should do so.
Interview for other post	As may be necessary and reasonable	With salary	This could include reasonable time off for a visit arranged for applicants at the invitation of the academy.
Attendance at a religious ceremony where the teacher's religion requires it unavoidably	Up to 2 days per year; Additional	With salary	Religious ceremonies may, or may not, form part of a religious festival. Some important religious festivals may not include ceremonies but may nonetheless require observance; others may not require observance or will be celebrated on the nearest weekend to the due date. There may be differences in the importance attached to particular ceremonies or festivals between different branches of the same religion. The authority's information is

LEAVE OF ABSENCE SCHEME – PRINCIPALS DISCRETION			COMMENT AND ADVICE
	days as necessary	Without salary	that the following will require observance unavoidably: Yom Kippur (for Jews) the Jewish New Year (for Orthodox Jews) Eid-ul-Fitr and Eid-ul-Adha (Muslims) Divali (Hindus) either the Birthday of Guru Nanak or Baisakhi/Vaisakhi (according to the particular branch of Sikhism) Birthday of Emperor Haile Selassie I (Rastafarians).
To participate as an amateur in national, regional or county matches or competitions	Up to 2 days per term	With salary	
To participate in musical performances at the highest professional levels	Up to 2 days per term	With salary	
Study and examination leave	up to 10 days	with/without salary With pay	Prior agreement should be sought before the commencement of any training including the terms for attendance at taught sessions and exam days. The Principal has the authority to agree paid leave for exams, if the course is not relevant specifically to the school but part of the persons personal goals then the Principal may authorise leave without pay

LEAVE OF ABSENCE SCHEME – PRINCIPALS DISCRETION			COMMENT AND ADVICE
Degree Study			With prior agreement the Principal may grant additional study leave where a member of staff is working towards a degree through the open university or distance learning. Exam dates will also be granted with pay, however the person must give the school as much notice as possible.
To give lectures and talks away from academy within the UK at the invitation of the educational bodies	As may be reasonable	With salary	As the invitation will have been extended because of expertise gained in the teaching profession and in particular in the teacher's current role, and as the teacher will be giving the lecture in working time, the IEB should ensure that any fees in respect of the engagement are paid to the IEB (see additional guidance).
Attendance at Examination Board Meetings	Up to 10 days per annum at the discretion of the Principal	With salary*	If the IEB grants paid leave, the fees must be paid to the academy, in recognition of the fact that the employee would otherwise be paid twice for the same period of employment and in order to pay for cover in the employee's absence.
(i) Chief and Deputy Chief Examiners/ Moderators	Up to 5 days per annum	With salary*	
(ii) Assistant Examiners/ Moderators		*with the Board reimbursing the academy	
Attendance at annual training camp as voluntary member of the Armed Forces Reserves or as a Commissioned Officer	Two weeks, or the duration of the period of training whichever is	With salary	

LEAVE OF ABSENCE SCHEME – PRINCIPALS DISCRETION		COMMENT AND ADVICE	
accredited and/or posted to the cadet units of one of the three services.	the less, in any one full year		
To stand as a candidate at a Local Government Election	1 day (polling day)	Without pay	

LEAVE OF ABSENCE SCHEME – PART 2 – DECISIONS FOR THE IEB’S CHAIR OR APPROPRIATE COMMITTEE

The IEB must decide whether its chairperson or a committee is to exercise its powers under the leave of absence scheme, so that there are some governors who have not been involved in the event of an appeal.

Leave of Absence for Principals

Principals who wish to apply for leave of absence for any of the purposes listed as within the Principals discretion shall apply to the chairperson of the academy’s IEB as far in advance as possible. The chairperson is advised to follow the guidance given in Part 1 of this scheme, as the chairperson is exercising in respect of the Principal the powers which a Principal would exercise for other employees.

Other Leave of Absence Granted by the IEB

All requests for special leave of absence not covered by the discretionary powers of the Principal shall be referred to the committee to which the IEB has delegated its power to grant special leave in cases not covered by the guidance. In urgent cases in which a meeting of the committee cannot be convened in time, the Principal should refer the request to the chairperson of the IEB in accordance with the Academy Governance Regulations.

It is advisable to adopt a policy or guidelines for the cases which fall outside the powers of the Principal and to publish this policy to all employees on a regular basis.

Any policy adopted should also have regard to supporting members of staff requesting special leave whilst balancing the operational needs of the academy and the subsequent impact of the education of the students and the work load of other staff.

Advice and Guidance to the IEB's committees when considering requests for Special Leave of Absence – general principles

In preparing a policy on applications for special leave of absence the IEB is advised to consider the following questions of principle:

- Is the purpose of the leave a matter of life, death or health?
- Could the purpose be achieved in any other way? (For example, if an employee requests unpaid leave of absence to nurse a sick relative, approval would be for a limited period, and subject to review, to allow the employee time to make other arrangements.)
- Could the purpose be achieved at another time, i.e. outside academy hours?
- Could refusal of a request be construed as direct or indirect unlawful discrimination?
- Would it be good employment practice to grant leave of absence in this case?
- What would be the cost of granting leave of absence in this case, both in terms of cash and the quality of education for pupils/students?
- Can expenditure be justified by the circumstances of the case?
- Would a grant of leave of absence set an undesirable precedent?
- Should the decision be influenced by previous cases if there has been no change in policy or practice in the meantime?
- Should the decision be influenced by public relations considerations?

Advice and Guidance to the IEB's committees when considering requests for Special Leave of Absence – specific reasons

It is advised that requests to nurse a terminally sick relative or partner, close friend or companion should be treated with particular sympathy, granting paid leave of absence for a limited period in the first instance and reviewing the situation regularly. Visits to (rather than nursing) a terminally ill person resident in the United Kingdom or easily accessible countries in Europe can normally be arranged at weekends or during academy holidays, and, depending on the prognosis and the timing of academy holidays, can also be arranged during holidays if the person lives further away, but if death is imminent it would be appropriate to grant paid leave of absence during the working week, up to a maximum of ten days.

If the illness of the employee's close relative or close friend is not terminal any leave beyond that granted by the Principals should be unpaid.

Leave for visits abroad should be approved only in special circumstances and normally without salary, unless the visit is to a close relative or close friend who is terminally ill and whom the employee cannot visit at weekends or during academy holidays. Unpaid leave would be appropriate for visits to deal with other serious problems with family or relatives, also holidays booked in good faith before the employee started employment with the academy, and notified to the academy at interview with an explanation that cancellation would incur a charge. Given the increasing popularity of 'surprise holidays' the IEB is recommended to adopt a policy stating that leave will not be granted in such cases. It is recommended that requests to accompany a spouse or partner abroad should be agreed only where the spouse or partner has obtained a temporary job overseas and should be unpaid leave for a fixed period.

An employee may wish to attend training over and above training and development which he or she has been directed to attend. Such training, whilst not essential to the job or approved as part of professional development, will often be for the mutual benefit of the employee and the academy. Governing bodies may consider applications for leave of absence for such training.

SUGGESTED NOTICE TO STAFF ABOUT SPECIAL LEAVE OF ABSENCE (see appendix 1)

The attached draft notice has been prepared as part of a review of the leave of absence scheme which includes discussions about helping Principals to manage requests for special leave of absence. It is a suggested draft and provides a framework which can be altered according to the needs of a particular academy.

For example, whilst some governing bodies may expect all staff to take holidays during the academy holidays, others may be prepared for some support staff who are not classroom-based and who have all-year-round contracts to take leave during academy terms on the understanding that they are required for duty during part of the academy holidays. The attached draft reflects the former position, so any academy taking a different position should amend the draft accordingly.

It is recommended that a notice should be published to all staff at the beginning of each academy year (or even each academy term) and given to all new staff on appointment as part of their induction.

Academies may wish to devise an appropriate form of acknowledgement of receipt of the notice, possibly combined with a form for applying for special leave for religious ceremonies which the employee's religion requires him or her to observe unavoidably.

NOTICE TO STAFF: Special Leave adapt to suit your academy

This notice explains to all members of staff the governors' position regarding requests for special leave during term time.

Employees are obliged to attend for work under their contracts of employment. In the case of teachers, there is a statutory obligation to be available for work on the 195 days specified by the employer and for support staff who are based in the classroom or employed on term-time only contracts there are parallel contractual requirements. For staff who are on the banked hour's scheme (who are not based in a classroom) it is mandatory that they "bank" the relevant number of hours to entitle them to the academy holidays. Academy term dates are published to you all in advance and are available from the academy's website

Under the leave of absence scheme, Principals have discretion to grant a limited amount of special leave in certain specific circumstances and subject to specified limits. This discretion is to be exercised subject to the needs of the academy. Any requests for special leave outside Principals' discretion are a matter for the IEB. Full guidance on special leave, including the leave of absence scheme, can be found in the shared drive/admin/current policies 2017/OAT. **Please ensure you read this.**

Employees with caring responsibilities are urged to plan in advance for the possibility that normal caring arrangements may be disrupted at any time, for example, if a child's school/nursery is closed unexpectedly. It is for all staff to have a plan B.

In order for the academy to make arrangements for cover it would be helpful if any employees wishing to take special leave during term time for a religious ceremony which their religion requires them to observe unavoidably and which cannot be celebrated on the nearest weekend or out of academy hours could apply to the Principal. You should email the Principal, usf@ormistonsixvillages.org.uk with a copy to lwe@ormistonsixvillages.org.uk requesting such leave at the beginning of the academy year. If the exact date of the ceremony is not known at this stage, please indicate the approximate date.

Staff must not book or take holidays during term time. Please share this information with friends and family members, so that there can be no misunderstanding over 'surprise' holidays, for which the IEB have decided that special leave will not be granted. Special leave will only be considered for the exceptional circumstances outlined in the leave of absence scheme. This can be found on the shared drive/admin/current policies/OAT. Please ensure when requesting leave of absence you provide copies of any paperwork that may be relevant.

Employees must apply for any special leave using the application for special leave form and seek approval in reasonable time from the Principal, who will refer any request outside their discretion to the appropriate committee of the IEB. This is particularly important when the request is one which the Principal does not have discretion to grant and must refer to the committee. Where possible provide as much notice for request to be considered.

You should also be aware that any employee taking unauthorised leave will be in breach of contract, and that conditions of service provide for pay to be deducted in such cases. Breach of contract is also a disciplinary matter and disciplinary action may therefore be taken.