



*Achieving together in
faith*

Holy Cross Catholic Multi-Academy Company

Leave of Absence Policy 2023 – 2026

Responsible for Policy	Marina Kelly
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Definitions

1. '**MAC**' means the Holy Cross Catholic Multi Academy Company and references to 'MAC' include, as the context may require, all sites upon which it is operating, including:
 - **Bishop Ullathorne Catholic School**
 - **Cardinal Newman Catholic School**
 - **Christ the King Catholic Primary School**
 - **St Augustine's Catholic Primary School**
 - **St Elizabeth's Catholic Primary School**
 - **St John Vianney Catholic Primary School**
 - **St Thomas More Catholic Primary School**
 - **Central Establishment Head Office.**
2. '**Articles**' means the MAC's articles of association from time to time.
3. '**Board**' means the board of directors (each, a '**Director**') of the MAC.
4. '**Chair**' means, as applicable, the Chair of the Board or the Chair of the Local Governing Body of an applicable School at the relevant time.
5. '**Clerk**' means the Clerk to the Board or the Clerk to the Local Governing Body of the School appointed from time to time, as appropriate.
6. '**CSEL**' means the Catholic Senior Executive Leader of the Mac appointed as its chief executive in accordance with the Articles (or the person carrying out that function in the absence of a CSEL at any applicable time).
7. '**Companion**' means a willing work colleague (not family member) not involved in the substance of an applicable employee's performance issues under review under this Policy, or an accredited representative of a trade union or other professional association of which that employee is a member, who should be available for the periods of time necessary to meet the timescales set out in this Policy.
8. '**Diocese**' means the Roman Catholic Diocese of Birmingham.
9. '**DSC**' means the Diocesan Schools Commission of the Diocese or such other education service as is provided by the Diocese at any applicable time, which may also be known or referred to as the Birmingham Diocesan Education Service ('**BDES**').
10. '**Governors**' means the governors appointed and elected to the Local Governing Body of the School from time to time (each, a '**Governor**').
11. '**Headteacher**' means the headteacher of a School or person holding equivalent office with overall responsibility for the day to day management of that School.
12. '**Head Office Team**' means the staff whose principle engagement with the MAC is in its central executive team.
13. '**LGB**' means the Local Governing Body of a School appointed in accordance with the Articles.
14. '**Policy**' means this policy and the policies and procedures contained within it.

15. **'School'** means an applicable school within the MAC, and also refers to all sites upon which the school undertaking is, from time to time, being carried out.
16. **'Vice-Chair'** means the Vice-Chair of the Board or an applicable LGB at any relevant time.
17. Words and expressions not otherwise defined in this Policy shall, unless the context requires otherwise, have the meanings attributed to them in the Articles.

1. Introduction and Purpose

The MAC consists of five Primary schools, two Secondary schools and a Head Office Team. The provisions outlined in this policy serve as a guide to Headteachers, the CSEL and Local Governing Bodies in determining fair and reasonable practices for staff leave of absence. Leave of absence may be defined as leave given in addition to annual leave and may be paid or unpaid. Staff have the right to request leave of absence but do not have the right to take leave of absence.

The policy aims to maintain consistent, positive practices to minimise the negative effects of absence on student learning and the imposition of increased pressure on colleagues. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.

The MAC believes, as an organisation committed to providing equal opportunities for all, that it should support flexible working practices. It seeks to help employees balance the demands of domestic and work responsibilities, particularly at times of urgent and unforeseen need, providing paid or unpaid leave as appropriate.

Where possible, a flexible approach will be adopted to enable staff to meet these different needs. This will only be achieved if staff also recognise their responsibilities with regard to making reasonable adjustments to working hours and using annual leave where circumstances allow.

When considering requests for leave of absence which require discretion to be exercised, the Headteacher or applicable Chair or CSEL (as appropriate) should have regard to fairness and consistency within the context of:

- the operational needs of the applicable School or MAC Head Office
- the needs of the pupils of any applicable School
- the individual needs of the person concerned
- the length of time requested
- the amount of notice given

3. Scope

This policy will be applied to all employees of the MAC.

The policy covers the provision of paid or unpaid leave requested other than Statutory Leave.

4. Deduction of Salary

- a) Where unpaid leave is granted the Headteacher or CSEL should inform the Payroll Provider to deduct the pay for the dates it is granted ensuring that the staff member is also aware of the deduction.
- b) Staff should be made aware that if leave is granted without salary this could

impact on their reckonable pension.

- c) It is not permissible to rearrange PPA time to facilitate known leave of absence unless this is approved by the Headteacher or CSEL (as appropriate).

5. Decision Maker and Appeals

The table below sets out the persons to be appointed, where possible, throughout the stages of the Special Leave of Absence Request procedure depending on the person making the request.

Employee Level	Person to notify in an emergency	Decision Maker for upcoming requests	Appeal Manager
Catholic Senior Executive Leader	Chair of the Board	Chair of the Board	Vice Chair to convene Appeal Panel from Board
Headteacher and MAC Head Office Staff	Catholic Senior Executive Leader	Catholic Senior Executive Leader	Chair of the Board
Senior Leaders	Headteacher	Headteacher or Chair of LGB	Local Governing Body Appeal Panel
Other Leadership Spine	Headteacher	Headteacher or Chair of LGB	Local Governing Body Appeal Panel
Teachers	Headteacher	Headteacher or Chair of LGB	Local Governing Body Appeal Panel
School Support Staff	Headteacher	Headteacher or Chair of LGB	Local Governing Body Appeal Panel

The relevant Decision Maker shall be informed of the emergency leave and is the person who will manage any contact and any requests for further time off. Each school, or the Head Office Team will be responsible for recording the absence, ensuring that the policy is fairly applied and for raising any concerns regarding multiple requests.

Any appeals arising from the decision in relation to leave should be made through the MAC's Grievance Procedure.

5. Making a Request for Leave

Any employee making a request for leave of absence should contact the relevant Decision Maker as soon as possible. The employee should endeavour to give as much notice as possible prior to the start of the leave period and complete a 'Request for Leave of Absence Form (Appendix B).

Any requests in relation to an employee working in a School will be considered by the relevant Decision Maker having regard to the relevance of the request and the operational needs of the relevant School. A copy of the form must be authorised (marked 'approved' or 'not approved') and signed by the relevant Decision Maker and returned to the appropriate person and a copy sent to the member of staff requesting leave. A copy of the form retained on his or her personal file and the member of staff informed of the decision. The Headteacher must also indicate on the form whether the time off will be with or without pay.

In the case of religious observance, the request should be made as far as possible in advance, with a minimum of a full term being the expectation. Where the actual date is unknown (for example, the day on which Eid falls will depend on the lunar cycle and when the new moon is sighted) the employee is required to inform the relevant Decision Maker as soon as possible of the range of possible dates.

If, due to unforeseen emergencies (e.g. time off for dependants) the employee is unable to seek written permission for leave of absence prior to the start of his or her absence, he or she should verbally inform the relevant Decision Maker as to the reason for the time off work and the expected duration of his or her absence as soon as possible. In the event of an absence continuing for longer than expected the employee must keep the relevant Decision Maker informed as to when he or she expects to be able to return to work.

When the employee returns to work following an unforeseen absence, he or she should have a "Return to Work Meeting" with the appropriate Line Manager within three days of their return to work. If a member of staff is returning from unforeseen leave of absence the relevant Decision Maker must identify whether the Leave of Absence is Paid or Unpaid and ensure that Payroll are informed of the decision.

Where appropriate, supporting documentary evidence may be requested (e.g. an appointment letter). Any information provided to the relevant Decision Maker will be kept strictly confidential. In the event of an employee disputing the relevant Decision Maker's decision the employee will have recourse to the MAC's Grievance Procedure.

Any employee who takes time off work for reasons that are not of a genuine nature and have not had previous or subsequent agreement from the relevant Decision Maker will be subject to disciplinary action under the MAC's Disciplinary Procedure.

6. Use of Annual leave for Support Staff

For support staff, the leave entitlement is dependent on grade and continuous service. This leave will normally be taken during the school holidays and must be agreed with the relevant Decision Maker or his or her nominated person in reasonable time, prior to the leave being taken. In exceptional circumstances, and with the express consent of the Headteacher, school support staff, may be permitted to take leave in term time.

7. Teacher Working time

A Teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days of which he/she may be required to teach students and perform other duties and 5 days must be days on which he/she may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

The provisions in Section 7 of this policy do not apply to Headteachers, Deputy Headteachers, or members of the Senior Leadership Team.

8. Discretionary Leave

The table attached in Appendix A details the amount of leave that there is the discretion to grant. There is no statutory right to have any special leave of absence (with the exception of Emergency leave for a Dependant which is detailed below) and the request can be turned down.

8.1 Reasonable Time Off for Dependents

Section 57a of the Employment Rights Act 1996 states that:
'An employee is entitled to be permitted by their employer to take a reasonable amount of time off during the employee's working hours in order to take action which is necessary'.

A dependant is defined as:

- Spouse
- Child,
- Parent/Carer,
- Person living in the same household (who is not a lodger or an employee or full-time carer)

The statutory right to reasonable time off for dependants is for such matters as illness, births, deaths, injuries, unexpected disruption of care arrangements or an unexpected incident involving a child at school.

It should only be used for emergency and unforeseen circumstances and it is not to be requested for regular or ongoing time off to care for dependants.

8.2 Close Family Members

Where the Policy and Procedure refers to a close family member, this is defined as:

- A parent or carer
- Spouse
- Common law partner
- Sibling,
- Child
- Grandparent
- Grandchild
- Parent-in-law
- Daughter or son-in-law.

8.3 Medical appointments

Routine medical/dental appointments should be taken outside of school/working hours or on a non-working day if possible. Recognising there is less flexibility for hospital/specialist appointments, paid leave of absence **may** be given should the appointment fall at a time when the individual would normally be working. This does not apply to medical appointments for treatment of children or other relatives.

An employee with a chronic health condition or a disability who requires regular specialist appointments may be asked to try to arrange these appointments at the start or end of the day to minimise the impact on the MAC's operational needs.

8.4 Jury Service

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to the payroll team. The certificate will be completed and returned to the member of staff. The employee should then submit a loss of earnings claim to the court. Relevant absences will be reported to the payroll team by the line manager.

8.5 Leave for accredited representatives of recognised associations and unions

The school recognises the legal requirement for employers to allow reasonable time off work for the elected representatives of recognised trade unions to carry out their duties. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work
- consultation on recruitment and selection policies, redundancy and dismissal arrangements
- meetings with a School's Leadership Team on matters of joint concern
- representing a union member at grievance, capability or disciplinary interview
- attendance at relevant training courses organised by the trade union

The amount of time allowed will be in accordance to that which has been agreed by the Local Governing Body and the Trade Unions.

8.6 Court proceedings not specifically covered by regulations (ie being called as a witness)

Leave with pay for the necessary period of absence when such absence is unavoidable. Evidence of a court summons (or other formal written request to attend court) and of attendance must be provided.

APPENDIX A

Discretion delegated to the Approver

Employee:	CSEL	Headteacher/ MAC Head Office Team (not CSEL)	Teachers	Support staff School
Approver:	Chair Board of Directors	CSEL	Headteacher	Headteacher

Type of Leave	Maximum time at discretion of Manager	Paid/ Unpaid	Comments
Compassionate and Emergency Leave			
Emergency and unforeseen Time required for a dependant (statutory right)	The time to manage the emergency	Paid	The employee must contact the Headteacher later in the day to provide an update on the emergency situation.
Time off for a sick dependant (not the emergency)	Up to 3 days per year (<i>this is pro-rotta</i>)	Paid	The expectation is for employees to have plans in place for such circumstances
Death of a close family member (other than Granparent)	Up to 5 days including funeral	Paid	Refer to 8.2 for close family members.
Funeral of other relatives or equivalent	1 hour up to 1 day	Paid	At the discretion of Approver
Death of a child	2 weeks	Paid Statutory Parental Bereavement Pay after 26 weeks of continuous employment	From April 2020 working parents who lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for their employer, will get 2 weeks' statutory leave
Medical Appointments			
Consultant Appointments	The time for the appointment and reasonable travel	Paid	The appointment letter must be shared when making the request. Part-time staff must try and have the appointment on a non-working day. Refer to note 8.3.
Routine dentist/GP appointments	Must be taken in own time	Unpaid	Must be taken in own time

Type of Leave	Maximum time at discretion of Manager	Paid/ Unpaid	Comments
Emergency dentist/GP appointments	The time for the appointment and reasonable travel	Paid	The employee must contact school using the sickness absence reporting procedure. The employee will be recorded as sick as they are not fit to be in school.
Other Time			
Moving House	1 day per academic year	Paid	
Examination Leave	1 day per exam, plus 1 day revision per year	Paid	Where the course is approved by the school and is pertinent to CPD and future development.
Religious days of observance	Up to 2 days per year if the Religious day falls on a school day. (E.g. Eid, Diwali, Yom Kippur)	Paid	The employee must request the leave as early as possible and at least one term in advance.
Amateur participation in international sporting events such as Commonwealth games and Olympics.	Paid - Up to 3-days per year (or such longer period as the Board may approve)	Paid	The employee must request the leave as early as possible and at least one term in advance.
Chief Examiner/moderator Meetings	Up to 10-days per year	Paid – if Examining Board reimburse the school	
Assistant Examiner/moderator meetings	Up to 5-days per year	Paid – if Examining Board reimburse the school	
Interviews	Up to 3-days per year.	Paid	

Type of Leave	Maximum time at discretion of Manager	Paid/ Unpaid	Comments
To stand as a candidate at Local Government election	1 day	Unpaid	
Public Duties			
School Governor role in or outside the Company	Up to 3-days per year	Paid	
Magistrate/Member of Public Body/Juror	Up to 10-days per year or, in exceptional circumstances where trials require additional time, at the discretion of the CSEL.	Paid	Provide Headteacher with appropriate documentation and if employees are not called upon to serve they are expected to return to work that day.
Other Family Occasions			
Occasions – there may be one off, significant events that employees may request absence, for example, University Graduation of immediate family or a child starting first day at Primary School. This is to be detailed on the form and each individual request would be considered accordingly (Appendix B)	As required	Paid or unpaid	This would be at the discretion of the Approver

Appendix B

Request for Leave of Absence Form

To be completed by employee and signed off by appropriate person – the ‘Approver’

Requests for leave of absence should always be made as soon as possible in advance and in writing following discussion with the Headteacher. (Section 5 above). A copy of this form should be returned to the employee, placed on file and returned to the appropriate person to arrange cover and ensure that payroll is informed.

Employee to complete:	
Employee Name:	
School or MAC Head Office	
Date(s) of Absence requested:	
Reason for Absence (Evidence attached if appropriate)	
Time of Absence	
Return to Work Date/Time	
Hours to be made up if applicable	
Approver to complete:	
Leave granted <i>Completed by Approver:</i>	Any relevant comments
Paid	
Unpaid	
Name Authorised by Approver:	
Signature Authorised by Approver:	
Comments	
Recorded (location)	