



# Education Trust

‘Inspiring the individuals of today, for a better society tomorrow’

“Aspire, Belong, Collaborate”

## LEAVE ARRANGEMENTS POLICY

Review Frequency	Annual
Reviewed	June 2025
Next Review	June 2026
Agreed by Trustees	18 <sup>th</sup> June 2025



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## Introduction

Riviera Education Trust regards the excellent attendance of both pupils and staff as integral to the success of the schools within the Trust.

The Trust Board recognises that the effectiveness of the schools within the Trust depends on the commitment of all staff. We also acknowledge that a fair and balanced policy on leave of absence and time off work contributes to the maintenance of staff morale and thereby to the success of the schools within the Trust.

It is in the interest of everyone within the academy to maximise attendance levels. Not only does absence impact the teaching and learning within the Trust. This policy supports the Trust's obligations under the Rarely Cover duty, ensuring staff absence is managed in a way that minimises the need for internal cover beyond reasonable limits.

The Trust Board recognises that absence from duty by staff may be unavoidably required for a wide variety of reasons including compassionate grounds or other family, personal, religious and professional reasons.

This policy aims to maintain a fair and consistent approach to requests for staff absence while minimising the negative effects of staff absence on pupils' learning and the increased expectations on colleagues.

The Trust Board is clear that the operational needs of the school are the priority in any decision making and there may be times when the Headteacher / designated member of SLT has to refuse a request for leave.

There is a statutory right for staff to take leave of absence in certain circumstances e.g. Time off to Care for Dependents, Parental Leave and Maternity Leave. However, when considering requests for leave of absence which require discretion to be exercised, the Headteacher / designated member of SLT will have regard to fairness and consistency within the context of

- the operational needs of the school;
- the individual needs of the person concerned;
- the length of time requested;
- the amount of notice given.

As a result, decisions may not be identical in all similar cases, as each case will be assessed according to circumstances.

All entitlements are pro rata for part-time / job-share staff. Support staff who work less than 37 hours a week, or who are term-time only are part-time.



## Scope

This policy will apply to all Riviera Education Trust Employees

## Equality Statement

This policy applies equally to all Trust employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

## Authorised Absences

Authorised absence occurs when an individual either obtains permission for or is entitled to undertake a period of leave. This leave can be paid leave or unpaid leave and can be statutory or non-statutory leave, dependent on the type. Authorised leave has been grouped into two sections:

- **Family-Related Leave Arrangements** - This includes all types of personal leave to cover personal or family-related issues.
- **Special Authorised Leave Arrangements** - This is all other types of authorised leave.

## Annual Leave

All employees have an entitlement to statutory Annual Leave from the first day of employment and some employees may also have a right to Contractual Annual Leave.

## Teaching Staff

Teaching staff, including the Head of School, are not permitted to take annual leave during term time. Whilst teachers are entitled to statutory annual leave under the Working Time Directive (currently 28 days or 5.6 weeks including Bank Holidays for a full-time employee), they are deemed to take this leave when the School is closed. As there are a greater number of School closure days than annual leave entitlement days, there should be no requirement for teachers to take their statutory entitlement to annual leave during term time. (see exceptions below).

## Support Staff – Term Time Working

Support staff employed on a term-time contract, are generally not permitted to take annual leave during term time. Whilst support staff are entitled to annual leave (as detailed below) they are also deemed to take this leave during periods of academy closure. The details of how and when different support staff groups are expected to work or take annual leave during academy closure periods may vary depending on the type of work undertaken. For example, some employees may be required to work during some specific academy closure periods to carry out essential maintenance or may carry out essential administration tasks.



As term-time support staff are deemed to take annual leave during periods of academy closure the annual salary for term-time support staff includes a pro-rata payment in lieu of annual leave and bank holiday entitlement.

### **Support Staff – Working All Year (52-week contract)**

Support staff employed to work all year round (i.e. on a 52-week contract) may not incur the same restrictions as term time only staff surrounding when annual leave can be taken.

For support staff, basic annual leave entitlement (excluding bank holidays) is 25 days (pro rata for part-time employees)\*\*.

In addition, employees will receive:

An extra day's leave for every completed year of continuous local government service. This is up to a maximum of 5 days (received on completion of the 5th year). The new annual leave entitlement will be factored into the employee's salary and the employee will be deemed to have taken the additional days during academy closure periods.

### **10 years' service day**

An extra day's leave after 10 years' continuous local government service (this will accrue at the start of the leave year in which the 10th year of continuous local government service occurs). The academy will notify Payroll each year about those employees who have reached their 10th year of continuous local government service to ensure that employees receive payment for this additional day (as there is no payroll factor to automatically accommodate this). Term time only support staff will also be deemed to have taken this additional day during periods of academy closure.

\*\* There may be a limited number of ex-Devon County Council employees who remain on Devon County leave entitlements following their transfer into a school within Riviera Education Trust.

### **Sickness Absence**

Riviera Education Trust has a separate Managing Stress and Absence Policy and Procedure (available on the shared drive or via the People Team).

The Managing Stress and Absence Policy and Procedure contains full details of reporting requirements, sick pay allowances and processes for managing staff absence. Please refer to this separate policy for full details.

### **Caring for Dependants**

This is a right allowing employees to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer-term arrangements. The emergency must involve a dependant of the employee.

The right to time off applies to all employees including those on part-time and fixed-term contracts. Employees are entitled to this right from day one of starting their job.



The right enables employees to take action which is necessary including, but not limited to:

- If a dependant falls ill or has been injured or assaulted.
- When a dependant is having a baby.
- To make longer-term care arrangements for a dependant who is ill or injured
- To deal with the death of a dependant.
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant (for instance, if a childminder is sick).
- To deal with an unexpected incident involving the employee's child during academy hours.
- Foreseen events, of a serious nature, where the presence of the employee is necessary, involving the need to care for a dependant. For instance, time off to settle an elderly relative into a care home or to attend a hospital appointment or planned operation, where compassionate leave is not relevant or exhausted.

## **Frequently asked questions**

### **Does an illness or injury need to be life-threatening?**

The illness or injury need not necessarily be serious or life-threatening and would include both mental and physical illness.

### **Who counts as dependant?**

A person is a 'dependant' of the employee if they are:

- a spouse, civil partner, child or parent of the employee;
- live in the same household as the employee, but is not
- employee's boarder, employee, lodger or tenant, or;
- reasonably rely on the employee to provide or arrange care.

### **How much time off can an employee take?**

The legislation does not specify the amount of time off which is reasonable, since this will vary with the differing circumstances of an emergency. For most cases, one or two days should be sufficient to deal with the problem. The leave should be enough to help the employee cope with the crisis – to deal with the immediate care of the child, visit the doctor if necessary and make longer-term care arrangements.

### **How frequently can an employee take time off?**

The statutory right is intended to cover genuine emergencies only. There is no limit on the number of times an employee can be absent from work under this right, however, a degree of reasonableness is expected.

### **What happens if the employee needs longer time off, or knows in advance that the problem is going to arise?**

If employees know in advance that they are going to need time off they should inform their Head of School or Senior Manager as soon as reasonably practical, for instance as soon as a hospital



appointment is known. If the reason relates to their child, they may be entitled to take parental leave.

### **What are the notification requirements?**

Employees must telephone the staff member responsible for cover before 7:30 am\*\* or as soon as reasonably practicable giving the reason for their absence and how long they expect to be away.

### **Is the time off paid?**

Whilst there is no statutory right to receive payment, there is no limit to the number of times an employee can be off. However, the Trust has agreed to pay 3 days over a rolling 12 months to cover such time off, on completion of the probationary period.

### **What happens if an emergency occurs which is not covered by the right, e.g. flooding at the employee's home?**

Time off for emergencies not covered by the right will be at the discretion of the Head of School or CEO but will be considered sympathetically, taking account of the circumstances, including who else may be available to deal with the emergency.

### **What happens if it is considered that an employee is abusing this right?**

If this occurs the situation should be dealt with under the disciplinary procedure. There is no statutory requirement for employees to produce evidence of either the incident or their relationship to the dependent.

### **What if the employee considers that they have been unreasonably refused time off?**

Employees who think they have been unreasonably refused time off, or subjected to detriment for exercising this statutory right should first raise their issue with their Line Manager, if this cannot be resolved informally, please refer to the grievance process.

\*\*Line Manager will inform you of specific absence reporting process, dependent on your role

### **Compassionate Leave**

The Head of School and the Governors are expected to consider sympathetically any request from an employee who has lost a relative or where a member of an employee's family is ill. The illness would be of a serious or life-threatening nature.

The following guidelines will apply to the granting of compassionate leave:

- Up to 5 days' paid leave in the case of the death or sickness of a spouse / partner or immediate relative (parent, child, brother or sister – whether 'blood', 'adopted', 'step' or 'in-law').
- In all other cases, the Head of School or Governors can apply up to these allowances in cases of death or illness of other relatives or individuals for whom an employee is responsible.



The Head of School or Governors can also grant up to 5 days' unpaid leave in addition to the relevant compassionate leave allowance in the case of death/illness of a spouse / partner or an immediate relative.

### **Carers Leave**

Following the Carers Leave Act 2023, an employee who is a carer, caring for a dependant with a long-term need, is entitled to up to one week of unpaid leave in addition to their current entitlement. This can be taken in blocks of leave of half-day increments or as one single leave period of up to one week. The leave does not need to be taken on consecutive days. To qualify the employee must:

- have a dependant with a long-term care need.
- want to be absent from work to provide or arrange care for a dependant; and
- not exceed their entitlement of one week of carer's leave in the previous rolling 12-month period.

A "long-term care need" is defined as an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months, a disability under the Equality Act 2010, or issues related to "old age"

The employee must give notice to their employer before taking carer's leave, to their Line Manager or Head of School; specifying that they are entitled to the leave, the days or part days on which they intend to take it, and the dependant for whom they are providing or arranging care. The required notice period is either twice as many days as the period of leave required, or three days, whichever is the greater.

### **Parental Bereavement Leave**

#### **Who is entitled to paid parental bereavement leave?**

Employed parents and adults with parental responsibility who have suffered the loss of a child under the age of 18. Adults with 'parental responsibility' include adopters, foster parents and guardians. Those classed as 'kinship carers', who may be close relatives or family friends who have assumed responsibility for looking after a child in the absence of parents are also entitled to paid parental bereavement leave.

This entitlement also applies to parents who suffer a stillbirth after 24 weeks of pregnancy. In this instance, female employees will still be entitled to up to 52 weeks of maternity leave and / or pay, as will a mother who loses a child after it is born.

The regulations require that parents and primary carers must have been employed for a continuous period of at least 26 weeks before the child's death to be eligible for paid parental bereavement leave. However, the adopted policy in this Trust / School is that all staff are eligible for paid parental bereavement leave from day one of employment.



## **What are employees entitled to?**

The statutory entitlement is to 2 weeks' parental bereavement leave. This Trust will pay full contractual pay to employees during parental bereavement leave.

The two weeks' leave can be taken either in one block of two weeks or as two separate blocks of one week each. It must be taken within 56 weeks of the date of the child's death. This is to allow for time to be taken off for difficult events such as birthdays or anniversaries. Notice requirements for taking the leave will be flexible, so it can be taken at short notice.

If an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

In accordance with the new legislation, employees will not be required to provide a copy of the child's death certificate as evidence of their entitlement to statutory leave.

## **Maternity, Adoption, Paternity / Maternity Support & Shared Parental Leave**

Maternity, Adoption and Paternity and Shared Parental leave are governed by the law and the employee's conditions of service. Any employee in this situation should refer to the separate policy documents covering leave and pay arrangements for maternity, adoption, paternity and shared parental leave which are available within the academy.

## **Ordinary Parental Leave**

Parental Leave is the individual statutory right of a female or male employee to take up to 18 weeks of unpaid leave. Leave must be taken to care for the child.

From 5th April 2015, parental leave applies to eligible parents of children up to 18 years old.

All eligible employees who have completed one year's qualifying service are entitled to take a period of unpaid leave to care for each child if they:

- Are the parent, foster parent or step-parent of a child under the age of 18.
- Are the grandparent with a 'significant parenting role' of a child under the age of 18.
- Have adopted a child under the age of 18.

## **Key Elements**

- The amount of parental leave is 18 weeks in total for each child.
- The employee will not have a right to be paid during parental leave and therefore parental leave is unpaid.



## Taking Leave

The Academy will be as flexible as possible in accommodating parental leave-taking arrangements by employees. All employees requesting time off in term time **MUST** do so in writing and wait for authorisation before taking leave.

Under this Academy's scheme, Parental leave may be taken:

- As a single block, not exceeding 18 weeks in total.
- Several **shorter periods** of a **minimum of a half-day**, which may be taken over a specified period, not exceeding a period of 18 weeks.

The 18-week entitlement is the total entitlement for a parent, up to their child's 18th birthday, equivalent to 1 week per year.

## Medical Appointment / Treatment

Time off for medical appointments/treatment in a hospital or an emergency appointment associated with sickness or incapacity to work will **be treated as sickness** where the absence involves **half a day or more** and **may qualify for sick pay**.

- The Head of School / Line Manager should be **notified in advance** of such appointments by completing the relevant green form and awaiting authorisation from the Head of School before taking time off.
- Necessary paid time off will be granted to attend routine screening appointments.
- Attendance at pregnancy-related appointments will not be treated as sickness.

## Routine medical, dental or ophthalmic appointments

Routine medical, dental, and ophthalmic appointments (including treatment) and complementary therapies (where this is recommended by a GP or the Occupational Health Service) that are not at a hospital should, where possible, be arranged to take place outside normal working hours.

It is recognised that sometimes the appointments may need to be within working hours and where there are particular difficulties (e.g. employees who are unable to obtain an appointment outside working hours) the Head of School will attempt to accommodate reasonable requests subject to academy cover considerations. All requests must be received and authorised by the Head prior to the appointment.

Where the employee is referred for treatment by their GP at a hospital or other such clinic and the treatment lasts for half a day or more, the absence will be treated as sickness and may qualify for sick pay.

## Counselling Sessions

Paid time will be granted for appointments with the Trust's Service for Employee Counselling, but not with private counsellors unless referred by the Employee Counsellor.



The Trust expects that individuals booking session/s with the Employee Counsellor will ensure where possible that sessions take place at a time that causes minimal disruption. Employees must advise their Head of School or Senior Manager in advance of such appointments, but other than the time, no other information will be sought.

## **Other Special Leave Arrangements**

### **Court Appearance**

An employee receiving notification that they are required to attend court as a witness or defendant must report the fact to their Head of School, who will then initially authorise unpaid leave of absence. The employee should normally be able to claim their normal earnings for the period from the party requesting their attendance as a witness or through court costs. Where this is not possible the academy will consider whether any payment should be made after considering the merits of each case (this will include, for example, where a teacher is required to attend court to represent the academy). In any case, where paid leave is agreed upon, this will usually be for a maximum of three days.

### **Examination Study Leave**

Examination and study leave within this Academy provides a leave of absence of half a day per exam that will be granted for final revision prior to sitting a recognised relevant examination.

### **Inclement Weather**

Employees have a duty to attend work and it is their responsibility to get to work, and on time. Nevertheless, during bad weather, difficulties in time-keeping through travel problems may occur. Where this is the case employees must make every effort to get to work and should keep the academy informed of their progress if they are likely to be late or absent.

If an employee cannot get to work, they should keep the academy informed of the position and, in agreement with the Head of School, the absence must be regarded as:

- Unpaid leave (e.g. teachers), or
- Flexi where it is possible to operate this;
- Working from home where that is a possibility and agreed with the Head of School (all time must be accounted for);
- Or exceptionally if the Head of School is satisfied with the employee's explanation for lateness, and it is possible to organise, it can be agreed that the time can be made up.

In the event of bad weather starting or continuing throughout the day, employees may be permitted to leave early, where this is operationally possible, to ease travel difficulties. Time should be made up at a later date if possible.

In cases of extended bad weather, the Head of School may be able to agree to some work to be completed at home providing all time undertaken at home is accounted for in writing.



In an emergency (for example because of a flu pandemic) where a decision is taken by the Trustees or other authorised agency to close the academy, all employees will continue to be paid as usual and should ensure that they are available to undertake work on their normal working days as required.

### **House Removals**

The reasonable expectation of the Trust is that employees look to plan a house move outside of term time. Where an employee is required to move house during term time, one day without pay will be granted at the discretion of the Headteacher / designated member of SLT.

### **Fuel Crisis**

In the case of fuel shortages, the same rules will apply as for inclement weather.

Additionally, the Head of School should ensure that wherever possible employees reschedule their outside visits to avoid unnecessary travel e.g. meetings at different locations could be re-scheduled or dealt with in another way (e.g. telephone conferencing, video conferencing, enhanced use of electronic mail etc).

### **Governing Body Duties**

Staff employed by the trust are not permitted to sit on the Local Standards Board or Board of Trustees of Riviera Education Trust, in line with the Trust's articles of association.

Where either a teacher or member of the support staff is a Governor **at either a different academy/ school or college** to their place of work or other educational establishment, they will be permitted a maximum of **4 half days in any period of 12 months** to support the carrying out of these duties. This provision is in addition to any special leave an employee has taken under the arrangements set out elsewhere in this section.

The same arrangements will apply to **part-time employees on a pro-rata basis**.

### **Interviews During Notice of Redundancy**

Employees who have been selected for, or are under notice of, redundancy from their post will be allowed reasonable time off with pay for job seeking.

### **Jury Service**

An employee receiving a summons to serve on a jury must report the fact to their Head of School or Senior Manager who will then authorise leave of absence unless an exemption from jury service is granted by the Lord Chancellor's Office.

When an employee is called up for jury service, they must submit a request for leave to their Head of School / line manager. A copy of the Court Summons must also be provided by the employee. Paid time off work will be given for attending Jury Service.



If on any day the employee's services are not required at the Court, they will be required to return to work for that day.

### **Public Duties**

Additional leave with or without pay may be granted for Public Duties at the discretion of the Head of School or Governing Body in line with the guidelines below:

Up to a **maximum of 12 days' leave with pay in any 12-month period** may be granted in order to undertake the following public duties:

- Serving as a member of a Local Authority.
- Serving as a member of a statutory tribunal or as a Magistrate.
- Assisting with Parliamentary and local elections.
- As an elected or nominated representative of a joint negotiating body e.g. the Provincial Council.
- Attending annual training as a member of the non-regular forces.

Employees holding **more than one of the duties** listed above are entitled to **no more than 12 days in total** in any period of 12 months.

### **Trade Union Facility Time**

Reasonable time off with pay to accompany employees at disciplinary / grievance meetings, undergo training in aspects of employee relations relevant to the carrying out of their trade union duties and certain other Trade Union duties as set out in the ACAS Code of Practice 'Time off for trade union duties and activities'.

Any such time off should be agreed in advance with the Headteacher / designated member of SLT. The Headteacher / designated member of SLT may require a Trade Union rep to delay attendance at a training course subject to operational needs in school.

### **Religious Observance**

The Trust promotes equality and anti-discriminatory practice. In doing so it recognises that employees may need time off to meet their religious commitments.

Time off may include:

- short breaks throughout the day for prayer (which are not counted as work time).
- time off to celebrate religious festivals.
- longer time away from the workplace to participate in religious pilgrimages.
- time off to accommodate longer periods of mourning, according to tradition / faith, when a relative dies (when the compassionate leave entitlement has been exhausted).

Employees seeking time off should first approach the Head of School or Senior Manager. Requests do not need to be in writing.



All requests must be treated with the utmost respect; under no circumstances will the domination or devaluing of others' beliefs be acceptable.

### **Special Events / Other Leave**

(Including leave during the term for teachers and term time only support staff)

There may be a number of situations requiring an employee to request time off for special events or other types of leave. In each case, the Head of School will determine whether or not the leave should be paid or unpaid.

Requests for time off during academy terms, of up to three days, should be made in writing to the Head of School. Employees should avoid requesting leave during term time wherever possible, but leave for events such as Weddings of immediate relatives, house removal, graduation ceremonies for immediate relatives etc. would be included within these requests.

Requests for a leave of absence lasting longer than three days should be made, in writing, to the CEO. Requests to the CEO must be made at least three months in advance of the proposed leave, and longer if the leave is for more than one month. The request should explain why the leave is needed. A reply will be given in writing, and if the leave is agreed it will detail the terms and conditions of that leave.

As extended leave without pay constitutes a temporary alteration to the contract of employment a formal agreement must be drawn up. Human Resources will be able to advise on the process required in these circumstances.

### **Unauthorised Absence**

Unauthorised absence is categorised as leave which has been taken either without permission, without choice, or any explanation.

### **Legal Custody / Imprisonment**

If an employee is detained in legal custody or imprisoned, a decision will be made by the Trustees as to whether the employee will be granted a period of unpaid leave of absence. The decision will be based on: -

- the length of the sentence.
- the job done by the employee.
- length of service.
- the circumstances underlying the reasons for the sentence.

An employee will not necessarily be dismissed because of their conviction for a criminal offence, but the employee's position will be considered on its merits. An acquittal of criminal charge shall not of itself preclude disciplinary action where such action would otherwise be appropriate, subject to the terms of the disciplinary procedure.



Where a long-term sentence is passed, this can be grounds for dismissal. (It is advised that advice is sought from Human Resources in these circumstances.)

### **Unexplained / Uncertified Absence**

Where an employee is absent from work without providing an acceptable explanation, and contact cannot be made, the Head of School / Senior Manager will make reasonable efforts to establish contact. If this is unsuccessful within a reasonable timeframe, the matter will be escalated to Human Resources.

In such cases, pay may be withheld from the last date the employee was present or had an authorised absence. Continued unexplained absence may be treated as a disciplinary matter and addressed under the Trust's Disciplinary Policy.



## DETAILS OF AMENDMENTS

### **April 2020**

- Policy adopted.

### **September 2023**

- Review date amended
- Minor Formatting changes

### **March 2024**

- Amendment to reflect change in legislation around Carer's Leave
- Amended 'dependant' definition
- Gender neutral pronouns used

### **June 2025**

- Expanded explanation around 'Rarely' cover as this felt too vague
- Simplified who counts as a dependant
- Updated section around Unexplained / Uncertified Absence
- The reference to Governors approving in-term holidays has been removed; this decision now rests with the Head of School and/or the CEO
- Amendment to 'Governing Body Duties' in relation to the Trust

