



Policy Number

20NS

Staff Leave Policy

Ebor Academy Trust works closely with Trade Union Partners to develop and implement a fair and effective suite of people policies. Please seek advice from your trade union representative if you require support with this policy. If you are not a member of a trade union, please visit the Union tab or HR Self-service. Ebor Academy Trust welcomes Trade Unions to support staff throughout the processes associated with this policy.

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INCLUSION

Ebor Academy Trust is committed to:

- Promoting equality and diversity in its policies
- Delivering high quality teaching and services that meet the diverse needs of its children and workforce, ensuring that no individual or group is disadvantaged
- The application and outcomes from this policy will be monitored to ensure staff are treated equitably when approaching, taking and returning from family leave, and that they are not disadvantaged by taking family leave or having caring responsibilities.

1 Aims

- 1.1** Ebor Academy Trust is committed to supporting staff, to achieve a healthy work-life balance. This includes offering all staff a generous holiday entitlement, and recognising that there are times when people need to be away from work.
- 1.2** This document outlines the following:
- a) The holiday entitlement for staff
 - b) The arrangements for booking holiday
 - c) Other approved reasons to be away from work
- 1.3** The provisions of this Policy are not exhaustive and if requests for leave fall outside of it, the line manager will refer the matter to the Chief Executive Officer, who will be the final decision maker.
- 1.4** The line manager must ensure that all types of leave are recorded accurately on the HR system.

2 Scope

This policy applies to all staff.
This policy is non-contractual.

3 Annual Leave (Teachers)

Teachers are employed to work on a term time only basis and will not normally be entitled to take any paid leave during term time. These staff will receive payment for their pro rata holiday entitlement, and their annual salary will be split into twelve, equal, monthly instalments.

4 Annual Leave (Support Staff)

The following principles apply to support staff i.e. those who do not have set leave (as above):

- 4.1** The annual leave year for all Ebor Academy Trust employees runs from 1st September to 31st August each year.
- 4.2** In addition to each individual's holiday entitlement, the Trust recognises and pays for all English Public Holidays. Exceptional and additional Bank Holidays will be incorporated into the school schedule in order to enable staff to take them as leave from work.
- 4.3** The annual leave entitlement for all support staff employed on Ebor Academy Trust contracts is 29 days per year. Staff employed on a term time only basis on Ebor Academy Trust contracts will be paid for 45 weeks a year, to include term time and holiday entitlement (effective in school holidays).
- 4.4** Staff who transferred to the employment of the Trust under TUPE may have a different holiday entitlement, reflecting their conditions of employment prior to the transfer.
- 4.5** The full year's annual leave entitlement is reduced proportionately for part time employees; the actual entitlement is shown in the individual's contract of employment.
- 4.6** Staff who are employed to work on a term time only basis will not normally be entitled to take any paid leave during term time. These staff will receive payment for their pro rata holiday entitlement, and their annual salary split into twelve, equal, monthly instalments.

- 4.7** In order to protect the work-life balance of staff, employees are encouraged to use their annual leave allocation within the current leave year, so they do not have any untaken allocation at the end of the leave period. Any request to carry forward any leave, to a maximum of 5 days, must be made in writing to the CEO. Such a request should be made one month before the end of the academic year.
- 4.8** When an employee leaves the Ebor Academy Trust, they are expected to use any 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.
- 4.9** Holiday entitlement will continue to accrue during maternity leave, adoption leave, paternity leave, parental leave and long-term sickness absence.
- 4.10** Should a member of staff fall sick during a period of annual leave, they may be recorded as being sick and the leave may be re-credited, on production of a valid medical certificate.

5 Applying for Annual Leave

- 5.1** Staff employed on term time only contracts will not normally take annual leave during the school term. In exceptional circumstances, unpaid leave may be granted
- 5.2** For other staff, requests for annual leave should be made with as much notice as possible and ideally at least 2 weeks to enable cover to be planned. It is recognised that there may be exceptions which require the Trust to grant leave at short notice. Operational consistency must be considered when approving annual leave for CST staff.
- 5.2.1** For Central Services staff, or for non-teaching staff working in schools employed on a full year contract, it is expected that most annual leave should be taken during the school holidays. However, leave may be taken during term time, subject to the process outlined in 5.2 above.

6 Compassionate Leave – applicable to all staff

- 6.1** Compassionate leave is usually granted for the loss of a close relative, such as the death of a spouse, partner, child, parent, sister, brother, grandparent, parent-in-law, son or daughter in law, brother or sister in law, close step family members. It may also be applicable in exceptional circumstances, for example after a traumatic event, such as a serious accident or incident at home, such as a flood or burglary.
- 6.2** Compassionate leave may normally be granted to a maximum of 5 days paid leave per year (pro rata for part time staff) and is awarded at the discretion of the CEO, Executive Headteacher, Headteacher, or a Director. This may be increased in exceptional circumstances, usually on an unpaid basis.

7 Dependant Care Leave – applicable to all staff

- 7.1** All employees have the right to a reasonable amount of time off during working hours as required to deal with unforeseen issues or emergencies involving dependants. 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.
- 7.2** Paid leave will not exceed 5 days per academic year (pro rata for part-time staff) except in exceptional circumstances. The first day in any consecutive period of DCL will be paid, with further consecutive days being unpaid.

8 Bereavement

8.1 Parental Bereavement Leave

Please see Ebor Working Families Policy

8.2 Bereaved Partner Paternity Leave

Please see Ebor Working Families Policy

9 Time off for public duties – applicable to all staff

9.1 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 CEO, Executive Headteacher, Headteacher, or a Director who will take the needs of the Trust and its operation into account. 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 public duties included are:

- A magistrate / Justice of the Peace (JP)
- Councillor in local government
- Member of a police authority
- Member of a Health Authority or Primary Care Trust
- A school governor
- Member of the prison independent monitoring board
- Member of a statutory tribunal panel
- A water customer consultation panel
- Member of the Environment Agency.

9.2 The amount of time off permitted will depend upon the public duties being undertaken and also the individual's role within the Trust and how easy it is to cover their work.

10 Jury Service – applicable to all staff

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

10.2 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.

10.3 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.

11 Court Appearance – applicable to all staff

11.1 Reasonable paid time off will be granted for any court appearances as a witness.

12 Recognised Trade Union Workplace Representatives and Members – applicable to all staff

12.1 Reasonable time off will be granted for appointed trade union workplace representatives for training and to carry out their duties during working time in compliance of Section 1 of the document "ACAS Code of Practice – Time off for trade union duties and activities – January 2010" and time off will also be given to members of recognised trade unions to participate in reasonable activities under Section 3 of the same document. Such time off must be

discussed and agreed in advance with the relevant Headteacher/ Director, who may wish to discuss the request in turn with the CEO/ Executive Head. The needs of the Trust and its operation will be taken into account in reaching a decision.

13 Other leave with Pay – applicable to all staff

13.1 In all of these instances, leave needs to be requested from the individual's line manager:

- a) 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.
- b) Examination/study leave: Paid time off will be granted for course attendance and exams for approved courses.
- c) Graduation Ceremony (own or immediate family member): 1 day's paid leave
- d) Job interviews: Up to 3 instances per academic year, except if the individual is at risk of redundancy, in which case more will be allowed as is reasonable in the circumstances.
- e) Where an individual has to go home due to a colleague's illness, such as a pregnant member of staff, or an individual who has a seriously impaired immune system, works with someone who has developed an infection such as chicken pox, the individual will continue to receive full pay until suitable alternative working arrangements can be made. The individual may be required to work from home, if it is practical to do so.
- f) Staff may, exceptionally, be asked to be away from work in order to enable the Trust to carry out procedures, processes or to engage in activity required by a third party. The CEO may authorise paid time away from work as **exceptional staff leave**.
- g) Sadly there are times where staff need support to deal with situations of domestic abuse or mental health crisis (either their own or of a close relative). In these cases, and with CEO approval, the Trust may grant a day of exceptional leave to enable staff to make longer term arrangements.

14 Unpaid Leave

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

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

15 Time Off in Lieu Policy and Procedure – NOT usually applicable to Teaching staff or staff on Management contracts*

15.1 On occasions, work demands may mean that staff are required to work outside of their usual, contractual hours of work. 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 if they do work additional hours, they are recompensed by taking time off in lieu (TOIL).

- 15.2** "Lieu time" is an approved amount of time, worked in addition to the individual's contracted hours, which may be taken off work at a future date which is mutually agreeable to the individual and line manager. No overtime or additional hours payment will be made for the additional hours worked.
- 15.3** 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.
- 15.4** 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. Periods of less than 30 minutes cannot be claimed as TOIL and will be managed through day to day workplace flexibility.
- 15.5** 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. All TOIL taken must be agreed in advance, as with annual leave.
- 15.6** 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 executive leader. This will enable staffing resources to be reviewed.
- 15.7** No payment will be made for any untaken TOIL at the end of the leave year or on termination of employment.

*although TOIL is generally not applicable to teaching staff or those on management contracts, hours of work may be flexed, with the prior agreement of the line manager, where evening meetings have been worked i.e. a later start may be agreed for the following day, as long as the needs of the Trust are not adversely affected