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# Leave of Absence Policy and Procedure

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**Version Control**

Version	Author	Date	Changes
1.3	HR Projects and Systems Manager	07/02/2024	Transferred to new template, terminology updated, included provision for carer's leave and information on sabbatical leave.

## 1. INTRODUCTION

- 1.1 The College encourages employees to maintain a healthy work-life balance and offers various types of leave of absence to support employees with managing work and other aspects of their personal lives.
- 1.2 This policy and procedure details the various types of leave of absence employees can access, the purpose the leave is intended for, the criteria to be met (if applicable) and the procedure employees should follow if they wish to apply.

## 2. SCOPE

- 2.1 This policy and procedure applies to all employees.
- 2.2 The following requests are not covered by this policy and procedure as they are covered by separate policies, which are indicated in brackets:
  - Flexible Working Requests (Flexible Working Policy and Procedure)
  - Time off for Trade Union Duties (Recognition Procedure Agreement)
  - Absence due to adverse weather conditions (Adverse Weather & Disruption to Work Policy & Procedure)
  - Pregnancy related leave e.g. time off for fertility treatment, antenatal appointments, maternity leave, adoption leave, shared parental leave, paternity leave, parental leave and bereavement leave (Family-Friendly Policy & Procedure)

## 3. KEY PRINCIPLES

- 3.1 The College aims to be a fair, understanding and supportive employer with regards to requests for leave of absence.
- 3.2 Managers will look to balance the needs of the employee with the business needs of the College when considering applications for leave of absence, while supporting requests wherever practicable.
- 3.3 It is understood that in emergency and/or urgent circumstances it may not be possible for employees to plan their leave of absence, and in these circumstances, we ask employees to make their manager aware of the situation as soon as possible so that alternative arrangements can be made to cover work etc. These requests should be dealt with sensitively and discussions on the type of leave being used to cover any time off should ideally take place before leave commences but can also take place after any emergency situation has been dealt with.
- 3.4 The College expects that in non-emergency situations where leave of absence can be planned, that employees give as much notice as possible to the College and take/manage the leave in such a way that disruption to College business is minimised as much as possible.

- 3.5 Discretionary additional paid/unpaid leave entitlements may be provided to allow the College flexibility to offer leave entitlement proportionate to the need of the individual and/or circumstances.
- 3.6 The College is committed to creating a diverse and inclusive workplace. As such we recognise that further consideration may be needed for requests from employees who are requesting leave for reasons related to a 'Protected Characteristic' as defined under the Equality Act 2010, specifically: Age; Disability; Gender Re-assignment; Race; Religion or Belief; Sex; Sexual Orientation; Marriage and Civil Partnership; Pregnancy and Maternity.
- 3.7 Absence that is unauthorised by this policy and procedure, or other relevant policies, may result in disciplinary action against the employee.

#### 4. RESPONSIBILITIES

- 4.1 The Director of Human Resources and Organisational Development is responsible for the operation, monitoring, application and review of this policy and procedure.
- 4.2 The College's Senior Management team (SMT) is responsible for approving any changes to this policy and procedure.
- 4.3 Managers are responsible for the consistent application of this policy and procedure.
- 4.4 All employees are responsible for ensuring that they are aware of their responsibilities/obligations under this policy and procedure.

#### 5. LEAVE OF ABSENCE CATEGORIES

- 5.1 The College has various types of leave of absence, summarised here:
- Paid leave (additional to annual leave – within limits set and eligibility criteria):
    - Study Leave;
    - Compassionate Leave;
    - Emergency Medical Appointments;
    - Emergency Leave for Care of a Dependent;
    - Carer's Leave
    - Gender Reassignment;
    - Armed Forces Reservist duties;
    - Jury Duty/Court Attendance;
    - Children's Panel Attendance;
    - and under the [Family Friendly Policy & Procedure](#):
    - Leave for Fertility Treatment;
    - Antenatal appointments;
    - Paternity Leave;
    - Maternity/adoption leave and shared parental leave – both paid and unpaid;
    - Bereavement Leave

- Unpaid leave:
  - Long Term Illness of a Dependant;
  - Unpaid Leave Request;
  - Parental Leave (under Family Friendly Policy & Procedure);
  - Maternity/adoption leave and shared parental leave – both paid and unpaid (under Family Friendly Policy & Procedure).
  - Sabbatical/employment break

## 6. HOW TO APPLY FOR A LEAVE OF ABSENCE

- 6.1 To apply for a leave of absence employees should discuss their request with their manager in the first instance, then record the type of leave agreed (if applicable) using iTrent self-service.
- 6.2 An employee's manager must advise whether or not their employee's request has been approved and authorise it in self-service. Their decision will be based on the principles laid out in this policy and procedure. The manager shall consult with their HR representative where appropriate.
- 6.3 Where practicable, as much notice as possible of the absence should be given. Where this is not possible, employees should contact their manager as soon as possible, informing the College of the reason and duration of their absence.

## 7. STUDY AND EXAM LEAVE

- 7.1 Up to one day's paid leave per exam may be granted and one day's paid study leave per exam for approved courses of study. Up to one day paid leave will be granted for first resit. No further leave will be granted for subsequent resits or revision.

## 8. COMPASSIONATE LEAVE

- 8.1 This is typically used in the case of attendance at funerals or bereavement. In deciding how many days leave to allow managers should be guided by:
- the relationship the employee had with the deceased;
  - attendance and proximity of the funeral;
  - the responsibility the employee has for funeral arrangements and any executor duties;
  - the key principles detailed in section 3 of this policy and procedure.
- 8.2 At the manager's discretion Annual Leave/an informal adhoc flexible working arrangement or unpaid leave may also be granted in addition.

## 9. MEDICAL/DENTAL/HOSPITAL APPOINTMENTS

- 9.1 Wherever possible employees should schedule appointments outwith working hours/core time.
- 9.2 Where an employee has a disability that requires regular and ongoing hospital appointments the College will accommodate this as a reasonable adjustment.

- 9.3 Paid time off will normally be granted for emergency appointments.
- 9.4 Paid leave for hospital appointments will be granted and extended to one day where the employee is a day patient (the employee's manager may request confirmation of hospital appointment). Included in this provision is reasonable paid time off for the purpose of preventative medical examinations.
- 9.5 Leave for medical/dental/hospital appointments will not count towards the employee's pay for sick leave.

## **10. EMERGENCY LEAVE FOR CARE OF A DEPENDANT**

- 10.1 Up to five days (1 week) paid leave and reasonable unpaid time may be granted in any 12 month period to care for a dependant who is ill or injured or where there has been a breakdown of normal care arrangements, unexpected crises and difficult circumstances. The College should be satisfied that the employee carries the burden of care.
- 10.2 A dependant is defined as a spouse, child, partner, parent or someone who lives in one's household but is not an employee, tenant, lodger or boarder. The definition may be extended to include anyone who reasonably relies on the employee to make regular arrangements for them.
- 10.3 This leave is pro rata for part-time employees e.g. up to 5 days (1 week) in any 12 month period for full-time employees. For example, for an employee with a normal working week of 2 days per week their entitlement would be up to 1 week (2 days) in any 12 month period.

## **11. CARER'S LEAVE**

- 11.1 Up to 5 days (1 week) paid leave to provide or arrange care of a dependant who has a long-term care need.
- 11.2 This can be taken in periods of ½ days or days up to 1 week over any 12 month period. It is to undertake caring responsibilities and can be booked in advance.
- 11.3 A dependant is defined as a spouse, partner, child, parent or someone who lives in one's household but is not an employee, tenant, lodger or boarder. The definition may be extended to include anyone who reasonably relies on the employee to make regular arrangements for them e.g. elderly neighbour.
- 11.4 This leave is pro rata for part-time employees e.g. up to 5 days (1 week) in any 12 month period for full-time employees, for an employee with a normal working week of 2 days per week their entitlement would be up to 1 week (2 days) in any 12 month period.

## **12. LONG TERM ILLNESS OF A DEPENDANT**

- 12.1 In addition to Emergency Leave for Care of a Dependant (see section 10) and Carer's Leave (see section 11), unpaid leave may be given for up to 6 months.

Arrangements for reduced or rearranged working hours on a temporary basis may also be considered.

- 12.2** The College has the right to request medical evidence before granting this leave.
- 12.3** It is important to be aware that during this type of unpaid leave an employee will not accrue either statutory or contractual annual leave. However, their period of unpaid leave will count towards other entitlements based on service, such as sick pay entitlement.
- 12.4** If an employee's unpaid leave commences part way through an annual leave year, their annual leave entitlement will be recalculated pro-rata to the actual time worked before unpaid leave commenced. This annual leave should be taken prior to unpaid leave commencing. Similarly, entitlement to College closure days/public holidays will only be for those that occur during the part of the annual leave year the employee has worked. When an employee returns to work mid-year, their annual leave entitlement will be calculated pro-rata for the remainder of the annual leave year.
- 12.5** An employee cannot take annual leave during unpaid leave, as this in effect, would be a return to work, which would bring the unpaid leave to an end.

### **13. GENDER REASSIGNMENT**

- 13.1** The Equality Act 2010 makes it unlawful to discriminate against or treat someone unfairly because of gender reassignment. It covers someone who proposes to go through, is going through or has gone through a process, or part of a process, to change his or her gender from man to woman or woman to man. A person may choose to reassign their gender and live permanently as the opposite sex without any medical supervision (i.e. hormonal or surgical therapy).
- 13.2** For medical appointments related to gender reassignment, including initial consultation, up to five days additional paid leave may be granted, in a 12 month period.
- 13.3** The College has the right to request medical evidence before granting this leave.
- 13.4** If further time off is required, or in order to allow an employee to take time off during the transitioning process, any further absence(s) should be recorded against 'gender reassignment' on iTrent, and the employee will receive their sick pay entitlement as for other sickness absences. However, this absence(s) should not be included for sickness absence management purposes e.g. for unacceptable absence levels etc.

### **14. OTHER DOMESTIC EMERGENCIES**

- 14.1** Up to one day's paid leave may be granted for a domestic emergency such as flood, fire or burglary. Under exceptional circumstances additional days paid leave can be considered.

**14.2** This category does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of appliances, home deliveries etc.

**14.3** Requests for further paid time off will be at the discretion of the manager. Annual Leave/ TOIL or unpaid leave may be authorised for this purpose.

## **15. ATTENDANCE AT NATIONAL OR INTERNATIONAL EVENTS**

**15.1** Employees selected by a national body or organisation for participation as a national team member, performer or an official in an international event should be granted a reasonable amount of paid and/or unpaid leave for this purpose. Training/preparation time will normally be unpaid.

**15.2** Employees will be granted unpaid leave when participating as a team member or as an official at an international event not involving national teams.

**15.3** The College may request evidence of attendance / selection.

**15.4** Procedures for time off for trade union activities, including training, are detailed independent to this document in the Recognition Procedures Agreement for Unison or EIS-FELA, available on the College intranet.

## **16. ARMED FORCES RESERVES AND CADET FORCES TRAINING**

**16.1** Employees shall be granted up to ten days fully paid leave for voluntary armed forces service or training in any 12 month period.

**16.2** Paid leave will be subject to the deduction of any allowances received within the period.

**16.3** Additional unpaid leave for training or reserve duties will be considered upon request. It is important to be aware that during this additional unpaid leave, should it be granted, an employee will not accrue annual leave entitlement.

## **17. CANDIDATE AT LOCAL/NATIONAL ELECTIONS**

**17.1** Reasonable paid and unpaid leave, at the discretion of College management, will be given to employees who are standing as a candidate for Parliamentary or Local Government Election.

## **18. COUNCIL MEMBER OR OTHER PUBLIC REPRESENTATION**

**18.1** Up to five days paid leave may be granted in any 12-month period at the discretion of College management.

**18.2** Any additional leave required will be made up of Annual Leave/Flex-time/TOIL or unpaid leave.

## **19. JURY DUTY/COURT ATTENDANCE**

- 19.1** On receipt of a Citation to attend court, either as a Witness or for Jury Duty, an employee must immediately inform their manager.
- 19.2** The Citation should then be forwarded to Human Resources for recording.
- 19.3** Employees will receive normal full pay during their period of Jury Duty, unless the term is unusually extensive (e.g. longer than 2 weeks), in which case the College reserves the right to move the employee onto zero pay and request the employee to complete the Loss of Earnings citation and claim for lost earnings from the Courts.
- 19.4** If an employee is required to call the Jury Selection phone line on a particular day for potential selection for the following day, they are expected to work as normal on that initial day.
- 19.5** When an employee is advised either by the Court officials or via the helpline that they are no longer required to attend, they are expected to return to work immediately or as soon as practicable after that time.

## **20. CHILDREN'S PANEL**

- 20.1** Up to five days paid leave may be granted in any 12 month period.
- 20.2** Any additional leave required should be taken from Annual Leave /TOIL or unpaid leave.

## **21. RELIGIOUS OBSERVANCE**

- 21.1** Subject to reasonable notice being given of holiday dates requested, requests for rearranged working hours will be considered. Where this is not possible, employees will be able to use their Annual Leave TOIL entitlement or unpaid leave to observe special religious holidays.

## **22. UNPAID LEAVE REQUESTS**

- 22.1** Employees can request a period of unpaid leave up to a maximum of one month's duration. This leave will only be granted in exceptional circumstances. Longer periods of unpaid leave may be granted for the long-term care of dependants as outlined in section 12 above (Long term Illness of a Dependant).
- 22.2** Employees should submit a written request for unpaid leave to their manager who, following discussion and agreement will forward the request to the HR representative for their team/department. The request will then be considered by the line manager in consultation with HR who will look to approve requests where reasonable and practicable after College operations and team functions have been considered.

- 22.3 Written requests should contain the length of leave required and the full reasons for the request. It should also include, where possible, a proposal of how work may be covered in the absence of the employee who is applying.
- 22.4 Any unpaid leave will not affect continuous service with the College. It is advised that employees make enquiries regarding the effects of such leave with the appropriate pension provider as unpaid leave will not be subject to either employee or employer contributions.
- 22.5 It is important for employees to also be aware that during this unpaid leave an employee will not accrue either statutory or contractual annual leave entitlement.
- 22.6 An employee's annual leave entitlement will be recalculated pro-rata to the actual time worked during the annual leave year. Entitlement to College closure days/public holidays will only be for those that occur during the period the employee has worked.
- 22.7 An employee cannot take annual leave during unpaid leave, as this in effect, would be a return to work, which would bring the unpaid leave to an end.

## **23. SABBATICAL/EMPLOYMENT BREAK**

- 23.1 A sabbatical/employment break is a period of unpaid leave from the College, during which an employee pursues interests which may not relate to their normal work.
- 23.2 The opportunity to undertake a sabbatical/employment break is likely to be valuable to an employee as part of their own personal and/or professional development, and in principle the College wishes to support these requests.
- 23.3 An employee with 26 weeks continuous service with the College can request a sabbatical/employment break for up to 1 year's unpaid leave.
- 23.4 To request a sabbatical/employment break an employee should complete the request form (see Appendix 2).
- 23.5 It is important to be aware that during a sabbatical/employment break an employee will not accrue either statutory or contractual annual leave. However, their period of sabbatical/employment break will count towards their service with the College, and other entitlements based on service, such as sick pay entitlement based on years' service, on their return to work. However, an employee will not be eligible to receive sick pay should they be ill while on a sabbatical/employment break.
- 23.6 If an employee's unpaid sabbatical/employment break commences part way through an annual leave year, their annual leave entitlement will be recalculated pro-rata to the actual time worked before their sabbatical/employment break commenced. This annual leave should be taken prior to their sabbatical/employment break commencing. Similarly, entitlement to College closure days/public holidays will only be for those that occur during the part of the annual leave year the employee has worked. When an employee returns to

work mid-year, their annual leave entitlement will be calculated pro-rata for the remainder of the annual leave year.

- 23.7** An employee cannot take annual leave during their sabbatical/employment break, as this in effect, would be a return to work, which would bring the sabbatical/employment break to an end.

## **24. ASSURANCE**

- 24.1** This policy and procedure will be reviewed following any relevant changes to employment law or alternatively every three years as a minimum.
- 24.2** The Senior Management Team will review and monitor this Policy and Procedure every 3 years, unless a legislative change or change to identified good practice requires an earlier review.

## APPENDIX 1: SUMMARY OF TYPES OF LEAVE OF ABSENCE

TYPE OF LEAVE	CRITERIA / DETAIL	ALLOWANCE
Study Leave	Approved Course	1 day study for exam, 1 day for exam and 1 day for resit (all paid)
Compassionate Leave	Funerals and bereavement	Number of days paid leave is manager's decision
Medical/Dental/Hospital Appointments	Hospital appointment card/letter may be requested	Paid time off to attend hospital appointments (1 day's paid leave for day patient treatment); Ongoing & regular hospital appointments related to a disability will be accommodated on a paid basis as a reasonable adjustment
Emergency leave for care of a dependant	Dependant – spouse, child, parent or other who reasonably relies on the employee to make regular arrangements for them	Up to 5 days (1 week) paid leave in any 12 month period, to provide care when breakdown in normal care arrangements/unexpected crisis  Pro-rata for part-time employees.
Carer's Leave	Dependant – spouse, child, parent or other who reasonably relies on the employee to make regular arrangements for them	Up to 5 days (1 week) paid leave in any 12 month period, to provide care to a dependant who has a long term care need  Pro-rata for part-time employees
Long term illness of a dependant	Medical evidence may be requested	Unpaid leave up to 6 months
Gender Reassignment	Employee looking to change their gender and live permanently as the opposite sex	Up to 3 days additional paid leave in any 12 month period, to cover appointments  Further absence(s) to be recorded as 'gender reassignment' as per normal process for sickness absence. However, absences should not be included for absence management purposes
Other domestic emergency	Domestic emergency e.g. fire, flood, burglary	At discretion of manager, up to 1 days paid leave. Although in exceptional circumstances further paid leave can be considered.
Attendance at National or International Event	Evidence of attendance may be requested	Reasonably paid / unpaid time
Armed Forces Reserves and Cadet forces training	Voluntary armed forces service or training	Up to 10 days paid leave in any 12 month period;

		Additional unpaid leave to be considered upon request
Council Member or other Public representation	Evidence may be requested	Up to 5 days paid leave in any 12 month period
Jury Duty / Court Attendance	Submit Jury Duty citation to HR for recording purposes	Paid time as appropriate, unless extensive period required.
Attendance at Children's Panel	Evidence may be requested	Up to 5 days paid leave in any 12 month period
Religious Observance	For religious observance/festivals not covered by holidays	With reasonable notice requests for rearranged working hours will be considered; If not possible to be taken from Annual Leave / TOIL
Unpaid Leave Requests	In exceptional circumstances, written request required	Up to 1 month
Leave for fertility treatment	26 weeks service with the College.	Up to 2 days paid leave in any 12 month period
Antenatal appointments	Documentation confirming ante-natal appointments	Pregnant employees – paid time off during working hours to receive antenatal care; Fathers and partners – unpaid time off to attend 2x antenatal appointments
Paternity Leave	You need to have been employed by the College for at least 26 weeks and inform us on or by 15 <sup>th</sup> week before due date	2 consecutive weeks, at full pay
Parental Leave	One year's continuous service	18 weeks unpaid leave up to the child's 18 <sup>th</sup> birthday (maximum of four weeks per year)
Sabbatical/Employment Break	26 weeks service with the College.	Unpaid leave up to 12 months

## APPENDIX 2: SABBATICAL/EMPLOYMENT BREAK REQUEST FORM

SECTION TO BE COMPLETED BY EMPLOYEE		
Employee Name:		
Job Title:		
Start Date with College:		
Purpose of Sabbatical/Employment Break:		
Proposed start date (if approved):		
Duration of sabbatical/employment break:		
Benefits of sabbatical/employment break to employee:		
Benefits of sabbatical/employment break to College:		
EMPLOYEE	SIGNED:	DATE:
SECTION TO BE COMPLETED BY LINE MANAGER:		
Costs/cover involved with supporting this sabbatical/employment break:		
Do you support this request for a sabbatical/employment break:    Yes                  No		
If no, please explain reasons:		
LINE MANAGER	SIGNED:	DATE:
SECTION TO BE COMPLETED BY RELEVANT ASSISTANT PRINCIPAL/DIRECTOR		
Do you approve this request for a sabbatical/employment break:    Yes                  No		
If no, please explain reasons:		
ASSISTANT PRINCIPAL/DIRECTOR SIGNED:		DATE: