

STAFF DISCRETIONARY LEAVE OF ABSENCE POLICY

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As part of our focus on diversity and inclusion, Bradford Diocesan Academies Trust (BDAT) pledges that our policies will seek to promote equality, fairness, and respect for all staff and students. Our policies reflect the BDAT values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of stakeholders, such as our schools, the recognised trade unions, and HR colleagues, we have ensured that BDAT's policies do not unlawfully discriminate against anybody.

1. Policy Statement

Bradford Diocesan Academies Trust (BDAT) regards the excellent attendance of both students and staff as integral to the success of the Trust and our academies.

The Trust recognises that the effectiveness of the academies and central office 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 Trust.

The Trust recognises that absence from duty by staff may be unavoidably required for a wide variety of reasons including compassionate grounds, jury service or for other family, personal, religious and professional reasons. Leave of absence requests that are not subject to statutory provision are at the Trust's discretion.

High levels of absence among staff can pose a serious problem for the Trust in terms of disruption to teaching programmes, student's learning and other areas of the Trust's work. Absence of any staff employed in the Trust will inevitably have some impact on children's education. Therefore, requests from any member of staff for leave to be taken during normal working hours must be regarded by all as the **exception**.

Requests for leave of absence will only be granted under exceptional circumstances and if they can be met without impacting Trust business.

The Trust expects that term time only staff will arrange their holidays during Trust/Academy closure periods. It is also expected that all year round staff will give consideration as to how absences may be arranged to cause the least inconvenience for the Trust. Requests for leave of absence from term time only staff for the purpose of taking holidays and/or contributing to holidays will only be granted in exceptional circumstances and if they can be met without impacting Trust business.

This policy will be implemented in accordance with the following Trust policies:

- Staff Attendance Management Policy
- Staff Complaints and Grievance Policy
- Disciplinary Policy

For the purpose of this policy, the term Trust refers to BDAT schools and the central office. This policy is applicable to all staff

2. Procedure for considering requests for planned leave of absence

2.1a Requesting Discretionary Leaves of Absence – All Staff

Requests for planned discretionary leaves of absence should be made in writing using Appendix 1 – “Leave of Absence Request Form”. This should be submitted to the CEO/Principal/Head Teacher (or nominated SLT member) and should include the full reasons for the request, making clear why the leave cannot be taken during a normal Trust closure period, and the dates and length of the period of leave of absence requested.

The same process will be used by the CEO/Principal/Head Teacher, except that the request will be submitted to their Line Manager /Trust link Officer who will then discuss all planned absences with the CEO of the Trust if necessary. In the case of the CEO, the request will be submitted to the Chair of Trustees.

The request should be made giving at least a minimum of three days’ notice so that proper consideration can be given to the request and to enable appropriate cover to be arranged in the event of the absence being approved.

2.1b Requesting Discretionary Leaves of Absence – Executive Leaders

For colleagues in executive leadership roles—such as the CEO, Executive Principals, Headteachers, and other senior leaders within the Trust—who are not bound by the 1265 hours of directed time under the School Teachers’ Pay and Conditions Document (STPCD), a degree of flexibility will be applied when considering time away for personal appointments.

The Trust recognises the importance of work-life balance and will support reasonable requests for time off to attend personal appointments, where operational needs allow, normally at the start or end of the school day (before 10am / after 3pm).

In these circumstances, the expectation is that individuals in executive leadership roles will make up the time.

All such requests should still be submitted in writing to your Line Manager or Trust link officer, and the appropriate form (Appendix 1) must be completed as soon as possible and in advance of your appointment being taken. These requests will still be logged as absence through the normal system, as it is important BDAT retains a duty care to monitor the safeguarding and wellbeing of all staff, however, they will not be deducted from the discretionary leave schedule (Appendix 2).

All other discretionary leave requests and absence requests will follow the normal process.

Staff should not, under any circumstances, make arrangements until approval for the absence has been given.

2.2 Considering Leave of Absence requests

Requests for leave of absence will be considered by taking into account:

- The principles of this policy
- The best interests of the children and the Trust
- Treating staff in a fair, reasonable and consistent way

The CEO/Principal/Head Teacher shall normally decide on requests for discretionary Leave of Absence on a paid or an unpaid basis, having regard to the policy of the Trust within 10 working days. In the case of extended leave and other exceptional circumstances, if the CEO/Principal/Head Teacher rejects an application based on impact to service provision, staff working in an Trust are entitled to appeal the decision to the Chair of the Local Governing Body, or staff working in the central office are entitled to appeal the decision to the Chair of the Trust Board.

The CEO/Principal/Head Teacher will consider all requests for non-discretionary absence (e.g. Jury Service, paternity leave etc) in accordance with legislative requirements, irrespective of the length of the absence.

All decisions will be confirmed in writing within 10 working days. In the case of refusal, reasons will be given. If the start date for the requested leave falls before the 10 working days, then a decision will be confirmed in writing to the staff member before the start date for the requested leave where possible.

Appeals

If the request is refused, the member of staff may appeal to the Chair of the LGB, or Chair of the Trust in the case of central staff. In the case of the CEO, the appeal will be heard by a panel of 3 Trustees (excluding the Chair who was the original decision maker). The appeal should be made in writing within 10 working days of the original decision being given, stating the grounds for the appeal. The Trust's staff complaints and grievance procedures will be used. There is no further level of appeal.

2.3 Unauthorised leave of absence

The taking of unauthorised leave of absence is automatically unpaid and may lead to disciplinary action including possible gross misconduct. E.g. If a member of staff continues to take time off for an appointment which has been refused, this will be classes as unauthorised leave. The Disciplinary Policy provides further information on this.

Overstaying and late returns will be considered as unauthorised leave of absence. Staff **must** preserve any documentary evidence which shows that a late return was unavoidable (tickets, sick-notes etc).

3. Guidance on Statutory Entitlements to Leave of Absence

This section covers leave entitlement which all employees are entitled to take through legislation. Employees must still submit a discretionary leave of absence form for these types of leave as soon as possible to enable the Trust to cover the period of absence. It would be very unusual for discretionary leave which are a statutory entitlement to be rejected and in these instances the employee will be provided with a full explanation as to the reason for the refusal or alternative arrangements suggested.

3.1 Time off for job hunting or to arrange training when facing redundancy

(Employment Rights Act 1996)

An employee who is being made redundant is entitled to take reasonable time off with pay to look for another job, or to arrange training for future employment. The employee can take time off within working hours while under notice as this right comes into force from day one of employment.

3.2 Time off to accompany a colleague to a discipline, grievance or flexible working hearing

(Employment Rights Act 1999)

Employees and trade union representatives have the legal right to take reasonable paid time off work to accompany fellow employees of the same employer to certain disciplinary and grievance hearings.

3.3 Time off for Trade Union duties (including Union Learning Representatives) and for Safety Representatives *(Employment Act 2002)*

Employees carrying out these roles are entitled to reasonable paid time off work to undertake those duties and to undergo training. Please contact the central Trust for a copy of the JCNC agreement.

3.4 Time off for public duties and activities

(Employment Rights Act 1996)

Subject to the needs of the Trust employees are entitled to reasonable time off in order to carry out public duties and activities. An employee can get reasonable time off if they're:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (for example an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of the Environment Agency
- a member of the prison independent monitoring boards
- a trade union representative or official (for trade union duties)

The amount of time off should be agreed between the employee and Trust beforehand, based on how long the duties might take, the amount of time the employee has already had off for public duties,

and how the time off will affect the business. The Trust reserves the right to refuse a request for time off if it is believed to be unreasonable.

3.5 Time off for occupational pension scheme Trustees and Directors of Trustee companies *(Employment Rights Act 1996)*

Employees who are Trustees of an occupational pension scheme or Directors of Trustee companies are entitled to reasonable time off with pay to carry out any of their Trustees' duties or to be trained for those duties.

3.6 Attendance at Court Proceedings *(see Juries Act 1974)*

Jury Service

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to the academy's payroll team, or the Trust's payroll team in the case of central staff. The certificate will be returned to the member of staff completed to show to what extent the salary will be stopped during their absence. The amount will then be claimed from the court. See Appendix 2 for further information.

The Trust cannot refuse an employee time off to do jury service

Witness summonses and subpoenas

Staff subject to a witness summons or subpoena should be allowed paid time off work to attend court

3.7 Time off for Dependants *(Employment Rights Act 1996, as amended by the Employment Relations Act 1999)*

As an [employee](#) you're allowed time off to deal with an emergency involving a dependant. A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care.

Employees have a right 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. As an example, if your child falls ill you could take time off to go to the doctor and make care arrangements. Your employer may then ask you to take [annual leave](#) or [unpaid leave](#) if you want to look after your child for longer.

According to the regulations, a dependant is the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee. For example, this could be a partner or an elderly aunt or grandparent who lives in the household.

In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only one who can help in an emergency; for example, an aunt who lives nearby who the employee looks after outside work falls ill unexpectedly, or an elderly neighbour living alone who falls and breaks a leg, where the employee is closest on hand at the time of the fall.

Should staff need time off for urgent or private family business this should be discussed with the CEO/Principal/Headteacher. Leave of this nature will be unpaid.

3.8 Right to Request Training (*Section 63D of the Employment Rights Act 1996*)

Employees with at least 26 weeks service on the date that they make their request have a statutory right to request time off to train. If the employer accepts the request for time off for training (either in full or part), there is no duty to pay the employee for the time they are absent from work to undertake the training and no duty to meet the cost of the training or qualification. However, if the training will be beneficial to the employee specifically in regard to their role within the Trust, then the Trust will cover any costs. These costs, including the employee's pay, will be considered on a case by case basis. If the training is unrelated to the employee's role within the Trust, then the Trust will be unlikely to cover the costs.

3.9 Study Leave and Attendance for Examinations (discretionary and non-discretionary)

For courses of training and study that are not directly related to the employee's job, or have not been specifically approved by the governors, leave may be granted at the academy's discretion without pay. For central staff, this is at the Trust's discretion.

For courses of training and study approved by the governors or which directly relate to the employee's job, leave with pay will be granted as necessary. Any leave agreed to prepare for examinations will be approved subject to any practical and organisational constraints affecting the Trust.

3.10 Bad Weather Conditions

This policy defines bad weather as strong winds and storms, flash floods, snow, an extreme cold spell, or an extreme heatwave.

There may be circumstances when the employee is unable to attend work due to bad weather, but the academy/central office remains open as usual. All reasonable efforts should be made to attend work, including when an Academy is closed to students. Alternative arrangements **may** be agreed with the CEO/Principal/Head Teacher and will be at the CEO/Principal/Head Teacher's discretion. These include but are not limited to:

- working from home or at a different location.
- coming in a little later than usual if the travel disruption or weather is expected to improve.
- taking time off as paid annual leave (this applies to All Year-Round staff only).

In order to facilitate late notice of office/school closure or to facilitate employees who may need to work from home at late notice, employees should ensure to take home their work devices (laptop, phone etc) should forecasts indicate bad weather. If there is a need to close the central office staff will be informed as soon as possible and usually by 7am. Academies will follow their own notification process to inform staff should there be a need to close the school.

Where the academy/central office remains open and an individual does not attend, non-attendance will normally be treated as unpaid leave, but exceptional circumstances may warrant paid leave. In an emergency situation involving a dependent which is a direct result of bad weather conditions, an employee has the right to take unpaid time off. An emergency situation could include but is not limited to:

- caring arrangements for a child/children are cancelled and there are no available alternatives e.g. their school is closed.
- caring arrangement for a disabled relative are cancelled.
- a partner is seriously injured as a result of bad weather.

The Trust will always aim to be flexible, fair, and consistent in cases of bad weather conditions. There are a number of steps an employee should also take to plan ahead. They should consider:

- how they can contact the academy/central office if they are unable to get into work.
- if they are unable to get into work, they should inform the academy/central office as soon as possible.
- what tasks they can complete from home.
- ensuring to take home their work devices (laptop, phone etc) should forecasts indicate bad weather

what urgent work needs to be covered in their absence.

3.11 Time off for Medical Appointments

Routine appointments e.g., dentist /doctor

Where possible, Trust employees are expected to make GP and Dentist appointments:

- out of normal working time or academy opening time,
- on non-working days for part-time staff,
- during school closures for term-time only staff,
- or as close to the start or end of the academy day as possible.

Where appointments are not available out of working hours, requests for paid attendance at appointments during working hours will be considered on a discretionary basis and in line with Appendix 2. Blood donor sessions will be paid.

Hospital appointments e.g., specialist / consultant

Where a member of staff needs to see a specialist / consultant and the appointment cannot be made outside of school hours, requests for paid attendance at appointments will be considered on a discretionary basis and in line with Appendix 2.

All time off for appointments whether routine or hospital appointments should be requested as far in advance as possible. An appointment letter/card or text confirming that an appointment has been made must be attached to the application to qualify for paid leave.

N.B Employees covered by the Equality Act 2010, do not have a specific right to take reasonable time off to attend medical appointments, however employers have a duty to make reasonable adjustments where appropriate, which can include appropriate time off to attend medical appointments. What is reasonable for the employer to do will depend on the circumstances of the particular case. Please contact your HR Advisor for more specific advice.

3.12 Time off for Religious Observance

The Trust allows staff to request up to three days leave with pay for this purpose in each academic year (providing the academy has not made the decision to close and/or that the festival does not fall over a weekend). The days can be taken only for the purpose of attendance at a religious ceremony or for observation of a religious festival which the member of staff is under a moral obligation to attend or observe by reason of their membership of, or office in, a church or religious order.

The arrangements do not provide for paid time off to prepare for festivities or days which may be used as family celebrations which are not the specified dates for the religious event. It is expected that each member of staff will travel to and from the event in their own time.

If the religious ceremony or festival falls at a weekend the time off is not transferable to the following working day.

The Trust's policy on the extended leave needed for Hajj is included in appendix 3 of this document for supporting information. Other requests for substantial religious leave will be considered on the same basis.

3.13 Time off for Domestic Emergencies

The right to dependence leave time off does not extend to time off for domestic emergencies such as a breakdown of a heating boiler. Paid or Unpaid time off for domestic emergencies incidents of this kind is at the CEO/Principal/Head Teacher's discretion

3.14 Bereavement leave

All requests for bereavement leave will be treated sympathetically and will be granted at the discretion of the CEO/Principal/Head Teacher or Chair of Governors.

For all staff the leave need not be taken continuously and can be taken in accordance with the practical needs and circumstances of each case.

Employees who require time off to fulfil their responsibilities as nominated executors of wills may be granted leave, subject to the provision of appropriate evidence of their appointment, and each case will be treated with compassion and sensitivity to their circumstances.

3.15 Time off to visit relatives abroad – Extended leave

It is recognised that some employees have close relatives abroad whom they may wish to visit for an extended period. In such circumstances, an employee may apply to take an extended period of unpaid leave. All requests will be considered taking into account both the needs of the staff member and the needs of the Trust. Staff are requested to arrange any extended leave to coincide with the main periods of academy closure. If the period of leave would cause particular difficulty for the Trust the request may be refused or the staff member asked to reconsider the period for which leave has been requested.

It is the policy of the Trust that permission to take extended leave to visit relatives abroad would not normally be granted more frequently than once in every five academic years although compassionate grounds will be taken into account.

Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.

3.16 Secondments, extended leave of absence, career breaks and extended study leave

In the event that a member of staff requests an extended period of unpaid leave, the CEO/Principal/Head Teacher in the case of academy staff and the line manager in the case of central staff will consider the request taking into account any financial, organisational or educational effects on the academy/Trust, and the circumstances and reasons given by the individual. The Trust CEO must be consulted on all proposed secondments.

The Trust will not normally approve absences of more than two years in length and may require that the dates of commencement and ending are consistent with the practicalities of recruiting temporary cover staff.

4. Discretionary Leave of Absence Schedule

Paid and unpaid discretionary leave will normally be granted in accordance with the schedule in appendix 2. Discretion lies with the CEO/Principal/Head Teacher and LGB/Trust in the first instance.

5. Unpaid leave and Apportionment

The methods to be used for the calculation of adjustments to pay during periods of leave of absence without pay are contained in the relevant conditions of service, applying to teachers (STPCD) and

other staff (Green Book or other relevant terms and conditions of service).

Employees are not covered by the sickness absence scheme whilst on unpaid leave and therefore are not entitled to receive occupational sick pay. Employees may be entitled to Statutory Sick Pay (SSP) and so should submit any medical certificates directly to the payroll team.

For the purpose of calculating deductions for additional annual leave, unpaid absences (including strike days) and sickness entitlement where you do not receive contractual sick pay – each working day shall be worth:

- 1/195th of your annual (FTE) salary for teachers.
- 1/260th of your annual (FTE) salary for support staff.
- The category that central team staff fall into is specified in individual contracts.

Appendix 1

DISCRETIONARY LEAVE OF ABSENCE REQUEST – EMPLOYEE PROFORMA

Staff should not, under any circumstances, make arrangements until approval for the absence has been given.

This form should be completed prior to the absence or after if the absence is unplanned

Staff Member's Name:	Staff Member's Line Manager:

To the employee:

Please provide the full reasons for your leave of absence request making it clear why the absence cannot be taken during normal trust closure periods. Please detail the dates and length of the period of leave of absence requested and attach a copy of the appointment letter/card or text confirming the appointment.

Date of Appointment	
Time of Appointment	

To the employer:

Please indicate below whether the Discretionary Leave is paid/unpaid and the reasons for awarding:

Approved	YES	NO
Number of days		
Paid	YES	NO
Leave Code and reason for updating staff record		
Rationale		

Employee Signature:

Date:

CEO/Principal/Headteacher Signature:

Date:

Appendix 2

Schedule for Discretionary Leave of Absence			
	Reason for absence	Maximum period of absence (school days)	
1	Death of member of immediate family(defined below)	Up to 5 days	With pay
2	Wedding of member of immediate family	1 day in any 12 months	With pay
3	Wedding of member of family (other than immediate family)	1 day in any 12 months	Without pay
4	Attendance at interviews (this does not include staff at risk of redundancy who should refer to section 3)	Up to 3 interviews in any 12 months	With pay
5	Attendance at meetings of Examiners for GCSE or other approved examinations	As necessary	With pay
6	Attendance at annual camp as volunteer member of The Territorial and Army Volunteer Reserve and the like where this is clearly unavoidable	Up to five days and Remainder	With pay And Without pay
7	Removal of home, when buying/selling home	1 day in any 12 months	With pay
8	Illness of member of immediate family	2 days in any 12 months (also see dependents leave)	With pay
9	Hospital attendance of self	2 occasions on production of an appointment letter	With pay
10	Hospital attendance of a dependant	1 day in any 12 months on production of an appointment letter	With pay
11	When an employee or their dependent has a medical condition which requires regular hospital visits, these appointments will not be treated as sickness absence but be paid leave. The employee would need to submit proof of all appointments.	The CEO / Principal / Headteacher will consider any adaptations already made on the production of an appointment letter	With pay

12	Attendance at University Graduation Ceremony etc. where self or member of immediate family is receiving a degree, diploma or certificate	1 day in any 12 months	With pay
13	Attendance of father/partner at the birth of their child NOTE: this leave is only applicable to a person who does not qualify for paternity leave.	Up to 2 days at the discretion of the CEO/Principal/Head Teacher	With pay
14	Jury service	As defined by court	With pay (employee must claim an allowance from Court)

NOTES:

Definitions of "immediate family". For the purpose of this scheme "immediate family" shall include:

<i>Wife</i>	<i>Mother</i>	<i>Mother-in-law</i>	<i>Stepfather</i>
<i>Husband</i>	<i>Father</i>	<i>Father-in-law</i>	<i>Stepmother</i>
<i>Partner/Civil Partner</i>	<i>Brother</i>	<i>Grandmother</i>	<i>Stepchildren</i>
<i>Son</i>	<i>Sister</i>	<i>Grandfather</i>	<i>Stepbrother</i>
<i>Daughter</i>	<i>Guardian/Ward</i>	<i>Grandchild</i>	<i>Stepsister</i>
<i>Carer</i>			<i>Stepgrandparent</i>

* EXCEPT for "Wedding of any member of immediate family" where immediate family does not include:

Grandparents, Parents-in-law and Grandchildren

Supporting Information

Hajj

Any request made for a substantial period of leave in order to carry out religious obligations for members of any religion will be considered on the same basis as set out in this section.

The purpose of this section is to set a framework for the Trust to manage and administer requests from Muslim staff wishing to perform the obligatory pilgrimage of Hajj.

The Trust recognises the difficulty which results from the academic year following the Gregorian and not the Hijri calendar, which means that Hajj can fall during times when the academy is in session. The Trust respects that Hajj is one of the five pillars of Islam and is an obligation upon Muslims once in their lifetime, financial/health conditions permitting. The academy is committed to providing high quality education whilst having a balanced approach to the religious needs of its staff. Staff requests for leave for Hajj will be considered according to the following criteria:

In order to minimise any possible disruption to colleagues and students, staff wishing to apply for the obligatory Hajj leave will notify the CEO/Principal/Head Teacher in writing by the end of Ramadan for the following Hajj.

Staff wishing to perform the obligatory Hajj may apply for a maximum of three weeks unpaid leave (see “Unpaid Leave” for advice where school holidays are included).

In order to balance the needs of students and the need for staff to make the obligatory Hajj pilgrimage, Muslim staff will be granted Hajj leave subject to the academy’s ability to release staff without an adverse impact on service delivery.

All Muslim staff will be considered with fairness irrespective of their professional status within the academy. Applications will normally only be considered for the obligatory (first) Hajj. In exceptional circumstances requests made on compassionate grounds may also be considered by the Governing Body.

Permissions / requests for Umrah or non-obligatory Hajj will not be considered during school term time except in exceptional compassionate grounds.

When making a request to undertake Hajj staff are asked to consider the effect their absence might have on the students with whom they work.

The initial decision on whether or not to grant exceptional leave for Hajj will be made by the CEO/Principal/Head Teacher who will consider the written application made by the staff member. Any appeal against the decision of the CEO/Principal/Head Teacher will be heard by the LGB/Trust. The staff member may put his or her case in person to the LGB/Trust and may be assisted by a trade union representative or a work colleague, who was not involved in the process.

The CEO/Principal/Head Teacher (or appropriate manager) may present the management case to the LGB/Trust at the appeal hearing.

In accordance with the Trust's overall policy on leave of absence, staff should not book tickets etc. before the Hajj leave has been approved.

Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.

Ramadan

BDAT will support employees observing Ramadan by carefully considering requests from staff who do not wish to attend meetings or events where they would be expected to eat food or drink. A meeting can be arranged with the employee to discuss such requests and whether an alternative arrangement can be put in place.