

Leave and Time off policy

| Prepared by: | Adopted by Board of Trustees | Signed | Review Date (every 2 years cycle) |
|--------------|------------------------------|---|-----------------------------------|
| HR Manager | 13/12/2018 | S Bowen ----- Chair of Board of Trustees | 06/09/2020 |

This policy covers the Trust's provisions for leave and time off in the circumstances listed below:

- Compassionate Leave
- Time-Off for Family, Domestic or Personal Emergencies
- Time-Off for Health Related Appointments
- Time-Off for Elective Surgery
- Time-Off for Fertility Treatment
- Time-Off for Jury Service or acting as a Court Witness
- Time-Off in relation to Territorial Army/Reserve Forces Activities
- Time-Off to undertake Public Duties and Election Duties
- Time-Off to attend Job Interviews
- Time-Off in Exceptional Circumstances
- Unpaid Leave

Where appropriate, this Policy should be read in conjunction with the Trust/academy's Flexible Working Policy.

1.0 PURPOSE

The Aspire Educational Trust recognises that its employees have a life outside of work as individuals and as part of their family and the wider community, and this sometimes unavoidably places demands on an employee during normal working hours. This policy aims to facilitate employees in meeting these overlapping calls upon their time, however, it must be remembered that providing a high quality education to our pupils and students is our over-riding priority and all requests for special leave of absence will be considered in this context and on an individual basis.

This policy sets out the approach to be adopted to deal with requests for time off from work, and the circumstances in which paid leave and unpaid leave may be granted.

It aims to ensure fairness and consistency in the way in which requests are dealt with across the Trust, whilst recognising that circumstances will vary between academies and people.

2.0 APPLICABILITY

This procedure applies to all employees working for the Trust.

Teachers and term time support staff have contracts of employment which provide for annual holidays to be taken during school closures.

There is, therefore, no contractual entitlement to time off during term time or INSET days where applicable. However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay and this policy sets out those entitlements.

It is also recognised that from time to time, the Trust may agree to grant individual employees time off (paid, unpaid or “in lieu” where flexible working is possible) during term time, or at any time for full-year employees, for a variety of reasons. Such time off may be granted on request and at the Trust’s discretion.

3.0 ROLES AND RESPONSIBILITIES

Managers/Principals:

Responsible for considering requests for time off under the terms of this procedure, the Manager/Principal is responsible for ensuring that decisions about time off are made fairly and consistently within their academy, taking into account all the relevant information.

Managers are responsible for communicating any decision regarding time off as soon as possible.

A nominated person in the academy is responsible for notifying payroll of any leave granted without pay or where pay will be affected (e.g. jury service).

The academy must keep a record of all special leave (paid or unpaid) taken within their academy, including where requests are denied, so that use of this policy can be properly monitored.

Employees:

Responsible for ensuring requests for leave are discussed with their manager and followed up by completing a special leave request form. Discussions must take place in good time wherever possible.

Human Resources:

Responsible for advising management on the requirements of this policy.

4.0 PRINCIPLES

All requests for time off should be discussed with the manager/principal and normally be made in writing on a Special Leave Request Form, although urgent ‘on the day’ requests may be made by telephone

and the form completed retrospectively. In some cases, specific requirements exist.

In some circumstances it may be appropriate for management to seek supporting information / documentation when considering a request for time off. Regard should be given to the confidential nature of the information which may be given.

Time off must be approved in advance before it is taken, unless impractical to do so, for example, in the cases of compassionate leave or domestic emergencies where requests to take leave may have to be made at very short notice, or even after the event.

The granting of special leave is not an automatic entitlement; any decisions on requests special leave will take account of both the academy's operational requirements and the employee's own needs.

This policy does not cover the Trust/academy's provisions relating to Maternity Leave, Paternity Leave, Adoption Leave and Parental Leave which are covered in separate policies.

Employees should make a request for time off/leave in writing on the appropriate Trust form (Appendix 1) and pass this to the Principal (or to their manager for Trust Central staff) for consideration following the initial discussions.

5.0 COMPASSIONATE LEAVE

Up to **5 days** paid compassionate leave may normally be granted for a bereavement relating to an immediate or dependant relative.

Where the bereavement relates to another close relative, paid leave may be granted for the employee to attend the funeral and support other family members but will not normally be for more than **1 day**.

However, the impact of bereavement will be different for each employee and will depend on a number of specific circumstances, particularly whether the employee has the sole responsibility for finalising the deceased's affairs. Principals/Managers may, therefore, need to use their discretion in terms of the amount of compassionate leave that may be granted, but where such discretion is used the amount of paid compassionate leave **should not normally exceed 10 days**.

Principals/Managers may also wish to discuss with the employee the use of other relevant leave provisions like annual leave and flexible working arrangements where possible or unpaid leave where these might be appropriate for the employee.

6.0 TIME-OFF FOR FAMILY, DOMESTIC AND PERSONAL EMERGENCIES

Carers Leave/Emergency Time Off to Care for Dependents

A carer is a person who looks after a relative or friend who needs support because of age, physical or learning disability or illness including mental illness. A parent carer is a parent of a disabled child who needs additional care, support and may need additional services. However, the Trust/academy recognises that employees may have caring responsibilities that do not fall into the official definition detailed above therefore all employees who care for a dependent will be considered for this provision.

A dependent of an employee could therefore include:

- child
- parent
- spouse
- a person who lives in the same household as the employee (except a lodger tenant, boarder or employee)
- any person who reasonably relies on the employee either for assistance on any occasion when the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury
- where the time off relates to unexpected disruption or termination of care arrangements, any person who reasonably relies on the employee to make arrangements for the provision of care

Reasonable unpaid time off may be granted in order to:

- provide assistance on an occasion when a dependent falls ill, gives birth or is injured
- make arrangements for the provision of care for a dependent who is ill or injured
- make alternative arrangements following the unexpected disruption or termination of arrangements for the care of a dependent.

The amount of unpaid time-off will depend on the nature of the situation that has arisen and in most cases **should not normally need to be for longer than 5 days**. This provision is for genuine emergencies

and is not intended to be used in circumstances where an employee knows in advance that the problem is going to arise i.e. planned medical appointments for dependents.

There is no specific notice requirement due to the nature of this time-off but employees should contact the Principal/Manager as soon as they are able to notify them of their absence, the reason for it and how long they expect to be off work.

The Principal/ Manager may also wish to discuss with the employee the use of other relevant leave provisions like parental leave, annual leave or flexible working arrangements where possible.

7.0 Domestic and Personal Emergencies

There may be times when an employee is unable to come to work because of an emergency that has occurred at home or in their personal life. This may relate a domestic situation such as a fire or flood at home, or a difficult personal matter which needs time to resolve.

In such circumstances the Principal/Manager may allow an appropriate amount of unpaid time-off, **normally no more than 5 days to allow the employee to deal with the emergency.**

The Principal/ Manager may also wish to discuss with the employee the use of other relevant leave provisions like annual leave or flexible working arrangements where possible.

8.0 TIME OFF FOR HEALTH RELATED APPOINTMENTS

The Trust/academy recognises that employees will, from time to time, need to attend medical, hospital, dental, optician and other health related appointments.

Wherever possible, employees will be expected to arrange such appointments, particularly standard GP, Dentist or Optician appointments, in their own time and at times, e.g. at the beginning or end of the working day, that will cause the minimum amount of absence from work or disruption to the work of the Trust/academy.

However, because it is accepted that it is not always possible or practical to arrange some appointments, particularly specialist or hospital appointments, outside working hours and that timing may not

always be within the employee's control, it is the Trust/academy's policy to permit reasonable time off work for such appointments.

Employees must obtain approval from their Principal/Manager in advance of any such appointment and the Principal/Manager has the right to ask an employee to reschedule an appointment if its timing would cause undue disruption to the work of the Trust/academy. The Principal/Manager may also ask to see the employee's appointment card.

Provided that an employee gives their Principal/Manager reasonable notice of the date and time of an appointment, time off with pay of up to two hours will normally be granted. Where the time-off required equates to half a day or greater, the time-off will be recorded as sick leave. (See also the Trust's Attendance Management Policy.).

Where an employee needs to attend a series of appointments in order to undergo a number of tests or a course of treatment or for their condition to be monitored, the line manager will need to consider both the well-being of the employee and the level of disruption to the work of the appropriate team in deciding the most suitable arrangements for the employee's time-off.

Where such appointments are on account of a medical condition which may amount to a disability under the Equalities Act, or Occupational Health have advised that the course of treatment is likely to facilitate the employee remaining at work or returning to work after sickness, e.g. physiotherapy, then time-off with pay will normally be appropriate.

However, if appointments become frequent, regular or likely to be over a long period of time, the manager has the discretion either to require the employee to seek to change their appointment times or to require the employee to make up some or all of the time where this is practical. Managers are advised to seek advice from Human Resources in these circumstances.

Employees who are pregnant have a statutory right to reasonable time off work with pay for antenatal appointments on medical advice.

An expectant father or the partner of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to 2 of her antenatal appointments. Partner includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement of

they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through arrangement.

9.0 TIME OFF FOR ELECTIVE SURGERY

Elective Surgery is surgery that an individual has personally chosen to undergo which is not supported by their General Practitioner (GP) or Consultant as being medically necessary e.g. elective cosmetic surgery.

It is the policy of the Trust/academy to grant employees up to **a maximum of 5 days unpaid leave** in any one year if they choose to undergo elective surgery. If more than 5 days is required the Principal/ Manager may also wish to discuss with the employee the use of other relevant leave provisions like annual leave or flexible working arrangements where these might be appropriate.

If, following surgery, there are complications or the employee becomes unwell, any subsequent absence will be regarded as sick-leave subject to a Fit Note being provided.

If the elective surgery is related to Gender Reassignment please see the Trust/academy's Gender Reassignment Policy and Procedure.

10.0 TIME OFF FOR FERTILITY TREATMENT

The Trust/academy will allow up to **3 days paid leave** in any one year for an employee who is undergoing fertility treatment or who is the partner of someone undergoing such treatment.

If the employee requires time-off beyond the 3 days, they will be allowed the further time-off but this should be taken as annual leave or unpaid leave, as agreed with the Principal/ Manager.

Where the employee needs to attend a short appointment, the provisions of this policy relating to Time-Off Relating to Health Related Appointments (see above) will apply.

11.0 TIME OFF FOR RELIGIOUS OBSERVANCE

Principals/ Managers have a responsibility in accordance with the Trust/academy's Equality and Diversity Policy to respond reasonably and sensitively to any request from an employee regarding their cultural or religious needs. Reasonable requests for time off for the

purpose of religious observance should be granted unless there are exceptional circumstances which make it impossible for the employee to be approved leave.

In such circumstances the Principal/ Manager should allow an appropriate amount of unpaid time-off, **normally no more than 3 days per annum.**

The Principal/ Manager may also wish to discuss with the employee the use of other relevant leave provisions like annual leave or flexible working arrangements where these may be appropriate.

Care must be taken to ensure fairness and consistency with employees of all faiths and beliefs.

12.0 TIME OFF FOR JURY SERVICE OR ACTING AS A COURT WITNESS

Jury Service is a public duty and, therefore, individuals who are called for Jury Service must serve. Similarly employers must release an employee for Jury Service, unless there are exceptional circumstances whereby their release at that time would cause severe disruption to their business.

The employee will continue to be paid whilst on jury service at their normal rate of pay, from which any monies received from the court in respect of loss of earnings will be deducted.

The above arrangements will also apply to employees who are subpoenaed to appear as a witness in court proceedings.

13.0 TIME OFF FOR TERRITORIAL ARMY/RESERVE FORCES ACTIVITIES

The Trust/academy will consider any request for time-off from an employee which is related to their membership of the Territorial Army/Reserve Forces and will grant **up to 5 working days paid leave in any period of 12 months.** Where a total of more than 5 working days is requested the employee will be expected to use annual leave for the balance of the leave over 5 days or may request further time-off which may be paid or unpaid at the Principal/manager's discretion.

Mobilisation will be supported on an unpaid basis as Reservists are normally paid by the Armed Services.

14.0 TIME OFF TO UNDERTAKE PUBLIC DUTIES

The Trust/academy will support employees who wish to serve the community personally (i.e. not in an official council capacity) by undertaking public duties or voluntary work and will allow the following time-off (pro-rata for part-time employees), subject to the operational needs of the organisation.

14.1 Lay Magistrate/Justice of the Peace (JP)

Up to 18 days paid leave in one year which should normally be agreed by the Principal/manager in advance.

14.2 Members of other Local Authorities or other Public Bodies

Up to 12 days paid leave in one year which should normally be agreed by the Principal/manager in advance.

For both of the above, where a payment is offered for the work undertaken, the employee should claim this and re-imburse it to the Trust/academy.

14.3 School Governors

Employees serving as school governors may, from time to time, need time-off during working hours to undertake this role. Where circumstances arise which mean that the employee is not able to fulfil their role of a governor without taking time off work the Principal/ Manager will have the discretion to allow paid leave of up to 5 days in one year.

14.4 Special Constables

Employees wishing to carry out special constable duties are encouraged to discuss with the Principal/ Manager how they can use the leave provisions, to help them to balance these duties with those of their normal job.

However, there may be situations where the above arrangements are not sufficient and, in such circumstances, the Principal/ Manager will have the discretion to allow paid leave of up to 5 days in any one year.

If an employee is both a school governor and a special constable, discretionary paid leave should not exceed a total of five days across both activities.

15.0 TIME OFF TO ATTEND JOB INTERVIEWS

Where the interview is with another organisation, including another school/academy, the employee will normally be expected to take annual leave or flexi-leave if this may be appropriate for the employee. Where this is not appropriate paid leave may be considered to attend interviews for appointments in teaching/local government on the basis of a maximum of 3 interviews in any school year. Additional unpaid leave may be given if the number of interviews exceeds 3.

Unpaid leave may also be considered for interview posts outside teaching/local government however, if the employee is coming to the end of a fixed term or temporary contract or has been officially declared as 'at risk' or been served with notice of redundancy, paid time-off for interviews will normally be granted.

16.0

Paid leave of absence for 1 day will be granted for employees for final revision prior to sitting a recognised relevant examination.

Employees are entitled to paid leave of absence for sitting approved examinations.

17.0 TIME-OFF IN EXCEPTIONAL CIRCUMSTANCES

There may be occasions where an employee needs to request time off to attend a one off event such as a wedding or the graduation of their child. In these circumstances employees must request time off with their Principal/ Manager along with the reason for the requested absence. This will usually be unpaid leave.

There also may be occasions when an employee is unable to come to work due to circumstances beyond their control such as severe weather, becoming stranded away from home whilst on holiday or being unable to travel due to strike activity or terrorist acts.

In such circumstances the employee is expected to contact the Principal/manager as soon as they are able, to explain why they cannot come to work and to agree with the Principal/ Manager how their absence is to be treated.

Such absence should normally be taken as annual leave where possible, unpaid leave or by making up lost time by working on a non

working day (if part time), unless an academy decision has been taken to allow paid time off for a one-off situation that has affected a number of employees.

18.0 UNPAID LEAVE

Employees may request unpaid leave for up to 12 months, during which time the Trust/academy will undertake to hold their post open until the agreed date of return. Employees will not be allowed to take up other paid employment during the period of their unpaid leave.

The approval of all types of unpaid leave will be at the discretion of the Principal/ Manager who will need to ensure that there will be no detriment to the working of the department during the employee's absence.

19.0 PENSION POSITION DURING UNPAID LEAVE OF ABSENCE

Teaching Staff

If an employee is a member of the Teachers' Pension Scheme, or who would have qualified to join the Scheme during their absence, the employee is urged to contact Teachers' Pension to obtain advice on their pension position during the unpaid leave of absence.

Support Staff

If an employee wishes to purchase the amount of lost pension on periods of unpaid leave of absence, they must make the election to do so on returning to work. For more information and details on how to make an election, employees need to contact the administrator of the LGPS (e.g. Cheshire Pension Fund, Greater Manchester Pension Fund as applicable).

If an election to purchase lost pension is received within 30 days of the employee's return to work the cost is shared between the employee (1/3rd) and the employer (2/3rds). If the election to pay is received after 30 days of the employee's return to work, the full cost of purchasing lost pension must be met by the employee.

20.0 EQUALITY

The Trust/academy will ensure that, when implementing the Leave and Time-Off Policy, no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial

group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the Policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

21.0 REVIEW

The policy will be reviewed in the light of operating experience and/or changes in legislation.

REQUEST FOR LEAVE OF ABSENCE

| | | | | |
|---------------------------|-------------|--------------------------|---------------|---------------------------|
| Name: | | Position: | | Employee Number: |
| Day | Date | No. of hours/days | | Reason for Absence |
| | | | | |
| | | | | |
| | | | | |
| TOTAL HOURS ABSENT | | (Hours) | (Days) | STAFF SIGNATURE |

| | |
|--|--|
| Paid | Unpaid |
| Compassionate Leave for dependents Other (Reason) _____ Days _____ Hours _____ | Compassionate Leave for dependents Other (Reason) _____ Days _____ Hours _____ |
| Principal/Manager Authorised: | Date: |

Office Use only:

| | | | |
|------------------------------|---|------------------------------------|-------------------|
| Payform: | | | |
| Payform Input date | Support Staff Total Hours Deducted | Teachers Lump Sum Deduction | Input by |
| | | | |
| Pay Validation Report | | | |
| Date checked | Amount Deducted | Month Deduction made | Checked by |
| | | | |
| Entered on SIMS | Entered on Diary | | |
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