

# SCHOOLS – LEAVE AND TIME OFF POLICY

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools.

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## LEAVE AND TIME OFF POLICY

### PURPOSE

Teachers and support staff in school are required to comply with the relevant Conditions of Service in relation to entitlement and application of annual leave. The school recognises the needs of teachers and support staff to have occasional other time off from work and this policy aims to set out the circumstances in which this may occur, and how any such requests will be managed. The school will comply with its legal requirements in respect of statutory time off and will also give consideration to other requests for paid/unpaid leave that are provided for in school and LCC policies.

The school is committed to developing and maintaining working arrangements that enable employees to achieve a work-life balance. This includes ensuring that all our policies recognise key life stages and life events and take into account caring responsibilities of employees. The school recognises the importance of time off in helping employees to achieve this. The aim of this policy is to provide a standard and equitable approach to the management of time for employees.

For the purpose of this policy, the term employees, refers to both Teaching and Support Staff.

### Disability leave

Disability leave is to enable paid time away from work for pre-planned appointments or treatments, related to an employee's disability, that help maintain health and wellness. It is not intended for use when an employee is not well enough to attend work, or to extend sick pay – standard sickness absence would apply for this.

Disability leave is a form of reasonable adjustment in line with the requirements of the Equality Act 2010. Disability leave can cover a range of disability related appointments. Examples of when disability leave may be appropriate are outlined below, however this is not an exhaustive list and requests will be considered on a case by case basis:

- treatment related to an employee's disability;
- hearing aid tests;
- training with an assistance dog;
- counselling/therapeutic treatment;
- physiotherapy;
- assessment for conditions such as dyslexia;
- dialysis treatment;
- having equipment serviced or fitted;
- blood tests for diabetes;
- related complementary medicine practitioners appointments;
- maintenance chemotherapy treatments and recovery time (where the employee is well enough to attend work but is signed off for short periods to avoid infection).

Disability leave may also be used where based on medical advice, it is not appropriate to remain at work or be redeployed while reasonable adjustments are being put in place (such time off will not be taken into account when calculating numbers of days off absent).

Any employee who considers themselves disabled under the definition contained in the Equality Act 2010 and has requirement to use disability leave as outlined can request disability leave.

Head Teachers may grant a reasonable amount of paid time off dependent upon the specific requirements, for disabled employees using disability leave. It is not possible to give hard and fast guidelines for the amount of disability leave an employee may need as the individual's disabilities, their personal management strategies and circumstances will differ. Individual, personal coping and management strategies need to be considered in assisting the individual determine the amount of leave needed.

Head Teachers may seek guidance on disability leave, and possible reasonable adjustments, from Occupational Health. Employees will be fully consulted about any decision made or advice received. To ensure eligibility for disability leave is provided for, it is important for employees to advise their Head Teacher and keep them updated on their disability status.

### **Special leave**

Head Teachers may provide employees with paid or unpaid special/discretionary leave for family or personal reasons, which covers periods of absence from work which are not covered by any other policy. Entitlements to certain types of leave may be covered by statutory obligations, such as Dependants Leave, whilst other forms of leave are discretionary and may be granted by Head Teachers. In all circumstances, requests will be considered sympathetically and are subject to the demands of the school and individual circumstances. Up to **10 working days paid** special leave for full time employees, pro rata for part time employees, may be approved in any 12 month period, at a Head Teacher's discretion.

In exceptional circumstances additional paid leave may also be approved on a case by case basis. Head Teachers may also approve reasonable periods of unpaid special leave on a case by case basis. Circumstances under which special leave may be considered include personal or domestic situations for which an employee is seeking support and time off; or bereavement leave.

### **Time Off For Dependants**

This provision of paid leave is to allow employees enough time off in emergencies related to the care of any dependants. It may be the employee needs to make alternative arrangements for care, at short notice, to then return to work – therefore, this provision is intended for short term emergencies. Typically, this may mean that an employee needs 1 or 2 days for this provision.

These conditions supplement the statutory right that exists, known as Dependants Leave, to reasonable unpaid time off from work for dependants (spouse, child, parent, someone living

in the same household or someone who reasonably relies on the employee), for caring responsibilities or where arrangements for care unexpectedly breakdown. The school is committed to enabling the employee to not suffer financially in these emergency situations, and therefore time off for dependants is paid by us under this provision. Where the frequency of emergency time off for dependants becomes regular or excessive, Head Teachers will discuss this with the employee for a solution to be found. Situations that time can be taken off for and are limited to:

### Family Emergency

- Providing assistance when a dependant dies, falls ill, gives birth, is injured or assaulted (see also Parental Bereavement Leave section below)

### Specific Caring Responsibilities

- To attend to the care of a dependant where no other care is immediately available and to make arrangements for alternative care;
- Where arrangements for the care of a dependant have become unexpectedly disrupted or terminated;
- Dealing with an incident which involves a child of the employee which occurs unexpectedly at a time when the child is in the care of an educational establishment which they attend.

However, where exceptional circumstances apply, Head Teachers may use their discretion when considering granting further time off, which may include a mix of paid discretionary leave and/ or unpaid discretionary leave.

### Paid Discretionary Leave

Paid discretionary leave may be approved for those occasions when special leave is needed for family or personal reasons, such as **Bereavement**.

Where paid discretionary leave is requested due to the death of a close relative or dependant, appropriate paid leave may be granted to make any necessary arrangements and to attend the funeral. Head Teachers should use their discretion when granting such leave, taking into account the specific circumstances of the request, however, the general special leave provisions of 10 days paid leave may be granted. In the event of a bereavement of someone who is not a close family member, employees may exceptionally, request time off to attend a funeral.

When granting paid discretionary leave for bereavement, a close relative or dependant is defined as:

- own child
- next-of-kin or nominated next-of-kin
- spouse/partner, civil partner
- parent, grandparent, grandchild

- brother or sister
- parent of spouse/partner, civil partner

### **Other reasons for paid discretionary leave**

- Childcare issues e.g. unexpected school closure
- Dependant assistance e.g. providing assistance when a dependant dies, falls ill, gives birth, is injured or assaulted.
- Dependant care e.g. where arrangements for the care of a dependant have become unexpectedly disrupted or terminated.
- Domestic Emergency e.g. unforeseen serious property damage due to fire, flood, burglary etc.
- Personal reasons (includes a Domestic Abuse situation)

### **Unpaid Discretionary Leave**

Head Teachers may also approve reasonable periods of unpaid leave on a case by case basis.

### **Parental Bereavement Leave**

We recognise that dealing with any bereavement is difficult, and the death of a child is among the most devastating events that an employee can ever face. The Parental Bereavement Leave provision reiterates our commitment to supporting employees through their grief by ensuring that bereaved parents can take parental bereavement leave. This provision applies to employees who have suffered the loss of a child, i.e. under the age of 18, and applies to parents who suffer a stillbirth after 24 weeks of pregnancy. Whatever the length of service, employees can take parental bereavement leave if they are the:

- parent of a child who has passed away; or
- partner of the child's parent, where they live in an enduring family relationship with the child who has passed away and their parent; or
- "parent in fact" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, they have been living with the child and had "day-to-day responsibility" for the child (but have not been paid to look after the child);
- "intended parent" of a child who has passed away, ie a parent using a surrogate;
- "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- adopter of a child who has passed away.

For each child who has passed away, a bereaved parent can take 1 or 2 weeks' parental bereavement leave. This leave is not available as individual days. Parental bereavement leave can be taken as:

- a single block of two weeks; or
- two separate blocks of one week at different times.

The leave must be taken within 56 weeks of the date of the death of the child. Informal notification, such as a phone call, is sufficient to take parental bereavement leave. If an employee intends to take parental bereavement leave within the first 56 days after the child's death, the leave can be taken straightaway, with no notice of this being required. This means they can begin parental bereavement leave by letting the Head Teacher know no later than when they are due to start work or, if that is not feasible, as soon as is reasonably practicable.

If an employee intends to take parental bereavement leave more than 56 days after the child's death, they are required to give the Head Teacher at least one week's notice of their intention to do this. If they have asked to begin parental bereavement leave within the first 56 days of the date of the child's death, they can cancel parental bereavement leave, as long as they let the Head Teacher know before they would have been due to start work. If they have asked to begin parental bereavement leave more than 56 days after the child's death, they can cancel parental bereavement leave, as long as they let the Head Teacher know at least one week in advance. An employee will not be able to cancel any week of parental bereavement leave that has already begun.

Recognising the need to provide bereaved parents with support, we will continue to pay normal pay during parental bereavement leave.

### **Religious Observation**

Employees should seek to undertake prayer or religious observances outside normal working time.

### **Dental/Medical/Hospital Appointments**

Employees should arrange Doctors/Dentists/Opticians visits to take place outside school time. However, when unavoidable, employees will be allowed unpaid time off inside work time, subject to the agreement of the head teacher. Requests will be considered on an individual basis.

Hospital/Consultant/Specialist Clinic appointments are considered authorised absence and time off will be paid. Employees should provide proof of their appointment (e.g. an appointment card or a copy of the appointment letter) when requesting time off to attend hospital appointments.

### **Lincolnshire County Council Employee Support & Counselling Service**

Employees will be allowed paid time off for Employee Support & Counselling appointments, employees should ensure they provide the Headteacher with 5 working days' notice.

### **Medical Screening**

Necessary paid time off shall be granted to employees for the purposes of NHS advised health screening e.g. breast screening.

### **Time off for fertility treatment**

The school will grant up to three days' paid leave in any one year for an employee to undergo fertility treatment. The policy applies equally to an employee whose partner is undergoing fertility treatment. In order to qualify for time off under this policy, the employee must have a minimum of 12 months continuous service.

### **Time off for being a Donor (Egg/Bone Marrow/Organ Donor)**

Any pre-testing relating to being a donor should be treated as a hospital appointment. Special leave, paid, for a procedure related to being a donor may be granted where it requires only one day. However, if the treatment means that the employee is unwell and not able to work due to a result of the treatment it should be recorded as sickness absence.

### **Time off for public duties**

Employees may be granted reasonable time off with pay to enable them to carry out public duties as follows:

- a local authority
- a statutory tribunal, public committee or similar body when appointed or nominated by a Minister of State, the Council or an association of which the Council is a member
- a police authority
- a board of prison visitors or a prison visiting committee
- a relevant health body
- a relevant education body
- the Environment Agency
- Justice of the Peace
- Chairman of a Local Authority or Mayor OR
- where requested to give their services voluntarily for activities in which their knowledge, skill, experience or judgement would be of particular value to the Country, community or organisation concerned.

Employees wishing to take leave to undertake public duties must first obtain prior approval from their head teacher and agree the amount of leave allowed in an academic year.

Leave will be approved subject to the needs of the school. Where an employee is entitled to claim reimbursement of salary for the time lost from any source the leave will be without pay.

### **Election Duties**

Election Duties are regarded as a Public Duty and as such, wherever it is reasonably practicable, employees are entitled to the day off with full pay. Employees may also receive an allowance and expenses for carrying out these duties, which they are allowed to retain. Employees who undertake an election count during a normal working day are also allowed that day as time off with full pay



## **Jury Service**

Any employee who is called to Jury Service must notify the Head Teacher as soon as possible. If an employee is advised by the court that they are likely to be absent from work for a prolonged period, they must advise the Head Teacher before agreeing to serve as a Juror. The school reserves the right not to release the employee where it would fundamentally affect the efficient running of the school and in these circumstances, may advise the employee to request an exemption from the Court.

Paid leave will be granted for the duration of the jury service and Head Teachers will record the reason for the employee's absence. On days where the employee is not required to attend court they will be expected to report to work. If the employee attends court and is not required to stay, they will be expected to return to work if it is practical to do so.

The allowance for loss of earnings must be claimed by the employee from the Court under the Juror's Allowance Regulations by forwarding the form confirming loss of earnings and period of jury service to People Services for completion. The Council will then deduct from the employee's pay an amount equal to the allowance received. Out of pocket expenses which may be payable by the Court may be retained and should not be included in the figure notified.

## **Witness**

Any employee who is summoned to appear as a witness in a trial must notify their Head Teacher as soon as possible, producing the appropriate documentation.

Where loss of earnings can be covered from public funds, the claim should be made from the Court and Payroll should be notified of the amount as soon as possible.

If an employee is asked to appear by the school or LCC, appearance as a witness will be treated as a part of normal duties and responsibilities, and the employee will be paid as normal.

## **Adverse Weather**

There may be occasions where due to adverse weather, an employee is unable to get to work. Employees should make all reasonable efforts to get to work, but without compromising their safety. If it is not possible to get to work, employees must contact their head teacher as soon as possible, and at least by the beginning of the working day report the fact that they are unable to get to work.

In the event that an employee is not able to get to work due to, for example, closure of a school where their child attends and they have to remain at home for child care reasons; or they have a dependant relative whose care is cancelled as a result of the weather; employees will be able to request special leave for one day. If further time off is required, the employee will need to discuss this with their head teacher.

These provisions apply for occasional situations that result in an employee being unable to get to work, and are separate to Business Continuity arrangements.

### **Reservists**

The reserve forces include the Army Reserve, Royal Naval Reserve, Royal Marines Reserve and Royal Auxiliary Air Force. Reservists are required to inform their Head Teacher that they are a member of the Reserve Forces and the specific Reserve Force that they belong to. Volunteer Reservists are typically committed to around 30 days training per year, including in which is a requirement to attend a 2 week 'annual camp' period. The school will grant volunteer members of the Reserve Forces two weeks paid leave of absence to attend annual camp. Wherever possible, employees should arrange attendance at the annual camp during the school holiday periods.

An employee involved in compulsory mobilisation will need to provide their Head Teacher with an official confirmatory letter and mobilisation papers. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months. The Ministry of Defence (MoD) aims to give 3 months' notice of the first day of mobilisation. In certain circumstances, e.g. where essential services are provided by one, or a small number of employees, it may not be possible to release the employee, or that release may be delayed until alternative arrangements can be made to provide cover for the absence. In these cases the head teacher will need to apply to the MoD Adjudication Officer for an exemption or deferral. This must take place within 7 days the Reservist being issued with the call out papers

Following compulsory mobilisation, The School will hold open an employee's position, providing they were employed in the 4-week period prior to being called out. When mobilisation is complete, the employee is required to notify their head teacher, who will agree a return to work plan.

If the Reservist is a member of a pension scheme, they are advised to seek clarity from the Pensions team on their rights and entitlements whilst they are on mobilisation.

### **Volunteering**

The school encourages and supports the commitment of employees to work as volunteers in activities, organisations or teams that require support. Employees are encouraged to discuss their volunteering commitments with their Head Teacher, in order for flexibility to be applied where possible to enable the employee to pursue volunteering activities, however in general, it is understood that volunteering will need to take place in the employees personal time.

### **Accompanying A Fellow Worker**

Employees are entitled to reasonable paid time off during working hours to accompany a fellow worker at a disciplinary or grievance hearing, and are also allowed no more than a half day paid time off to discuss and prepare the case with the worker beforehand.

### Time Off For Training/Study

Time off for training and study leave will be given in approved cases. When on training courses outside their contracted daily hours, part time employees shall be paid on the same basis as full time employees or given time off in lieu.

### Time Off To Attend Interviews

Time off with pay will be granted for interviews within LCC, i.e. other schools and Academies. Where an employee is made redundant and has at least 2 years' service they are entitled to reasonable time off work during the period of notice to look for work and make arrangements for training. To exercise this right the employee must have been given formal notice of redundancy.

### Other Leave Provisions

There will be other requests that do not fall under any of the above categories, for example:

- for moving house
- to represent the school at a sporting event
- to attend degree ceremonies involving near relatives and award ceremonies such as passing out parades.

Such requests should be dealt with in accordance with the **Family Leave Policy**.