

# **The Good Shepherd Multi Academy Trust**

## **Time Off Work For Staff**

**February 2016**



**The Good Shepherd  
Multi Academy Trust**

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## **Values**

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

### **1. INTRODUCTION**

The purpose of this document is to provide employees of The Good Shepherd Multi Academy Trust (The Trust) policy and procedure guidance concerning time off work and headteachers/ line managers with information and guidelines to enable them to deal effectively and confidently with requests for time off work. It is also intended for employees so that they know what provisions are available to them.

All requests for time off work ideally should be made in writing, giving as much notice as possible of when the time off is required. The request should indicate the reason for the request and also the expected duration of the absence.

Headteachers/ line managers should consider the request and advise the employee of their decision. If there are exceptional reasons why the request cannot be approved, the headteacher/ line manager should advise/discuss with the employee what these reasons are.

Please also make reference to time off work as detailed within the Burgundy Book for Teachers and Green Book for support staff.

Any headteacher/ line manager having difficulty interpreting a particular request for time off work should seek advice from the Trust HR Provider in the first instance.

## 2. CONTENTS

Statutory time off are legal rights for time off work based on laws passed by Parliament. Requests for non statutory time off for specific reasons may be with or without pay and this document aims to give guidance in dealing with such requests. All requests are at the discretion of the headteacher / Local Governing Body (LGB)/ Trust where appropriate and will take into account the needs of the delivery of the service provided by our schools.

<b>Statutory</b>	<b>Non Statutory</b>
1. Annual Leave	13. Fertility treatment
2. Antental Care	14. Award ceremonies
3. Adoption Leave	15. Duties as Partner to a Mayor/Lady Mayor or as Deputy Mayor/Lady Mayor
4. Maternity Leave	26. Election leave
5. Paternity Leave / Maternity Support Leave	17. Examinations & study leave
6. Elected Representatives of Employee Safety	18. Holiday during term time
7. Jury Service	19. House removal
8. Parental leave	20. Interviews
9. Requests for flexible working **Refer to separate policy document	21. Medical Screening
10. Public Duties	22. Personal medical/dental appointments
11. Trade Union Officials	23. School Governors
12. Under notice of redundancy	24. Special Constables
	25. Trade Union Members
	26. Urgent domestic reasons (bereavement, compassionate leave, family sickness)
	27. Weddings
	28. Witness in court
	29. Weather

## **STATUTORY TIME OFF WORK:**

### **1. Annual Leave (for support staff)**

A full year's annual leave and bank / public holiday entitlement for support staff is as shown below (full time equivalent).

On appointment 24 days Plus 8 bank / public holidays

In Year 2 25 days Plus 8 bank / public holidays

In Year 3 27 days Plus 8 bank / public holidays

In Year 4 29 days Plus 8 bank / public holidays

In Year 5 30 days Plus 8 bank / public holidays

Entitlements for part-time and part year (eg term-time-only) employees are calculated on a pro-rata basis. Where recognised, continuous service will count towards leave entitlement..

In order to stagger the ending of leave years, leave years will run on an individual basis from birthday to the day prior to birthday.

Annual Leave entitlement will be proportionate to the number of completed day's service during the annual leave year. Bank / Public Holiday entitlement is given at the time the bank / public holiday occurs (on a pro rata basis for part time / part year employees). All employees (inc full time) must record their Annual Leave and Bank / Public holiday entitlements appropriately on their leave record at the beginning of each leave year.

**Teachers entitlement is as per the conditions of service stated in the Burgundy Book**

### **2. Antenatal Care**

Under section 55 of the Employment Rights Act 1996 (ERA), any pregnant employee, regardless of their service or hours, is entitled not to be unreasonably refused time off work, with pay, to keep appointments for antenatal care.

To qualify for this they must provide written confirmation of their pregnancy and evidence of their medical appointments e.g. an appointment card.

Antenatal care has been held to include not only standard visits to antenatal clinics but also attendance at relaxation classes and parent craft classes.

Employees are requested to bear in mind the requirements of their post when arranging such appointments. Although such leave would not unreasonably be refused, the headteacher/ line manager does have the right to request a change of time/date if the demands of the school/ Trust necessitate.

An employer is only obliged to allow time off where this is reasonable. In the case of a part-time employee, an employer might reasonably request that appointments are arranged outside of the contracted working hours, although this will depend on how much control the employee has over the timing of such appointments at the health centre.

### **3. Adoption Leave**

Please see separate **Adoption Leave Policy** for entitlement..

### **4. Maternity Leave**

Please see separate **Maternity Policy** for entitlement.

### **5 Paternity Leave / Maternity Support Leave**

Please see separate **Paternity Leave / Maternity Support Leave Policy** for entitlement

### **6 Elected Health and Safety Representatives**

Elected Trade Union health and safety representatives are allowed time off, with pay, in order to carry out these duties or to receive appropriate training in health and safety matters this is subject to provisions of the Burgundy Book for Teachers and Green Book for support staff.

### **7 Jury Service**

Where an employee is required to attend for Jury Service the procedure is as follows:

- Employee will receive a form from the court which they should forward to their headteacher/ line manager, which in turn needs to be forwarded to the payroll support officer.
- The headteacher/ line manager retains a copy of the form on the employee's personal file.
- The Trust via their payroll provider will issue their own form to the employee for the employee to hand in to the Court. Part I of the form will certify the employee's daily rate of pay; Part II of the form is to be completed by the Court showing payment made for loss of earnings.
- The Employee will be paid by the Court for their attendance.
- The Court will complete and sign Part II of the form in respect of payment(s) they have made to the employee and will return this form to the employee.
- The employee should return this form to the Trust (via school who will forward to the payroll provider who will then deduct from the employee's salary payments which have been made by the Court in respect of loss of earnings.

### **8 Parental Leave**

Statutory parental leave came into effect on 15 December 1999. The reasons for the leave need not be connected with the child's health but could for example cover settling the child into a new playgroup.

An employee is entitled to up to 18 weeks' unpaid parental leave per child if they meet one of the following conditions:

- They are the parent of a child up to 18 years of age
- They have adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18th birthday, whichever is the sooner)
- They have acquired formal parental responsibility for a child who is under five years of age
- They are the parent or adoptive parent of a child who has been awarded disability living allowance (in this case parental leave can be taken up to the child's 18<sup>th</sup> birthday)

To qualify for parental leave, employees must have completed at least one year's continuous service with the Trust. Leave can only be taken in blocks of one week or more up to a maximum of four weeks' leave in a year, except where the child is disabled, in which case it may be taken one day at a time.

The employee must give their headteacher/ line manager 21 days' notice of taking leave, and the employer can postpone leave for up to six months "where the operation of the employer's business would be substantially prejudiced"

## **9 Requests for Flexible Working**

From 6 April 2007 employees with caring responsibilities for a dependant adult are able to request a flexible pattern of work.

From 6 April 2009, parents with children aged 16 and under (disabled child under 18) are able to request a flexible pattern of work.

Please refer to legislation relating to flexible working and separate Policy Document 'Requests for changes to working arrangements'

Employees must have worked for their employer for more than 6 months in order to make such a request and must not have made a request for flexible working in the previous year. Where a request is accepted it results in a permanent change to the employee's terms and conditions unless a different arrangement is agreed at a later date.

Examples of requests for flexible working can be a reduction in working hours, change to pattern of work, job share, term time working etc

## **10 Public Duties**

Employees who are members of the **Reservists** shall be entitled to attend Summer Camp or similar training activities.

Employers must also co-operate when call-out notices are issued. The rules and regulations governing call-out have been changed as a result of the Reserve Forces Act 1996 which took effect from 1 April 1997.

By virtue of section 50(1) of the ERA, an employer shall permit an employee who is a **Justice of the Peace** to take time off during the employee's working hours for the purpose of performing any of the duties of office. The right includes time spent sitting in court and attending the required training sessions, plus visits to various prescribed institutions.

Membership of associated committees linked with the role, such as the Probation Committee and a panel such as the Youth Panel of the Court are also covered.

For employees who are a **Member of a Local Authority** (as defined by Section 40 of the Local Government Superannuation Act 1937), leave with salary up to a maximum of 208 hours (approximately 28 days), (pro rata for part-time employees) may be granted in any one year, together with such additional leave without salary as may be necessary (subject to Departmental/Unit requirements) for duties and attendance at meetings as a Member of a Local Authority or of any Committee or Sub-Committee thereof. (It is not necessary to pay any fees received for attendance at meetings into the County Fund).

Under section 50(2) of the ERA further categories of membership are identified which give employees a statutory right to time off. These are **Membership of a Statutory Tribunal, a Police Authority, a Board of Prison Visitors or a Prison Visiting**

## **Committee, a relevant Health Body, a relevant Education Body, or the Environment Agency.**

The amount of time off which an employee should generally be permitted for public duties, is that which is reasonable in all the circumstances. In the event of a dispute, tribunals decide what is reasonable by reference to the following particular factors:-

- How much time off is required for the performance of the duties of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty for which time off is requested?
- How much time off the employee has already been permitted for public duties, or for trade union duties or activities?
- The circumstances of the employer's business and the effect of the employee's absence on the running of the business.
- In granting leave to cover these supplementary duties, the headteacher/ line manager will have regard to the needs of the school/ Trust and reserves the right to insist that a public duty does not take preference over school duties.

### **11 Trade Union Officials**

Time off for employees who are trade union officials (an employee who has been elected or appointed by a union to be a representative of the union members in a workplace) is covered in the Trust's Union Recognition Agreement

### **12 Under notice of Redundancy**

An employee who has been given notice of redundancy must be allowed to take a reasonable amount of time off, with pay, to look for new employment or to make arrangements for training for future employment.

This right is dependent on the employee having at least one years' continuous employment by the date on which the notice is due to expire, or by the date on which it would expire had the statutory minimum period of notice been given.

## **NON STATUTORY TIME OFF WORK:**

Requests for non statutory time off for specific reasons may be with or without pay. All requests are at the discretion of the headteacher / Local Governing Body (LGB)/ Trust where appropriate who will take into account the needs of the delivery of the service provided by our schools in reaching their decision.

The Trust values its staff but the discretionary non statutory time off work requires the following approach from employees:

- Requests should be made as far in advance as practically possible,
- Any appointments that have an impact on the role of the employee should be discussed with the school / Trust as part of the decision making process by that employee

### **13 Fertility Treatment**

Provisions for employees undergoing fertility treatment are currently being reviewed. As an interim measure it is recommended that up to 5 days special leave is granted to staff undergoing fertility treatment.

### **14 Award Ceremonies**

Leave of absence of up to one day would normally be expected with pay may be granted for attendance at degree ceremonies of close family members, subject to the approval of the headteacher/ line manager.

### **15 Public Duties**

Where a member of staff undertakes a public duties role this should be discussed with their line manager in the first instance. An employee undertaking public duties as consort should be allowed time off without pay. There is no specific limit to the amount of time but it should be that which is reasonable in the circumstances.

### **16 Election Leave**

*(a) Staff assisting as Presiding Officers, Poll Clerks and Counting Assistants*

Leave with pay shall be granted for duties in connection with European, Parliamentary and Local Council Elections, subject to approval by the headteacher/ line manager

*(b) Prospective Parliamentary Candidates*

Special unpaid leave of absence will be granted from nomination day until the day after the election.

*(c) Local Council Candidates*

Special unpaid leave for polling day will be granted.

### **17 Examinations & Study Leave**

Leave of absence with pay is to be granted for the purpose of sitting examinations applicable to the role in the Trust. This must be work related to the employee's post and may have been identified through performance management/appraisal.

In addition up to a maximum of three days leave of absence with pay (dependant upon the number of examinations being taken) may be granted for the purpose of revision for the final examinations at the Headteachers/ line managers discretion. Normal reasonable time will be one day per final exam.

Employees undertaking a course relevant to their post and in agreement with the headteacher/ line manager should be allowed up to one-half day per week paid leave for private study.

### **18 Holiday During Term Time**

Reasonable time off without pay may be granted to meet cases where the residential partner is compelled to take their main holiday during term time for such reasons as staggering of holidays in industry. Leave for short industrial breaks should not be approved e.g. shift patterns of work. Normal reasonable time will be a maximum of ten working days, subject to the approval of the headteacher / line manager and this will be available to a maximum of twice in 5 years.

### **19 House Removal**

Home owners or tenants in own right who, on appointment, live more than 30 miles from the new place of work and sell their home within a reasonable period, may be granted up to two days paid leave for actual house removal. There is no right to paid time off work for those who move house which is not linked to changing jobs. Unpaid leave is at the discretion of the headteacher/ line manager.

### **20 Interviews**

Reasonable time off with pay may be allowed for employees to attend interviews, up to a maximum of 2 days for each interview process. Alternatively, employees may use annual leave or flexi leave (if a flexi scheme is in operation) as appropriate.

### **21 Medical Screening**

Employees shall be granted necessary paid time off for the purpose of medical screening. Evidence of appointment should be produced if requested.

### **22 Personal Medical/Dental Appointments**

There is no entitlement to leave with pay for routine doctors or dental appointments there is an expectation that such appointments will be made in the employees own time where possible.

### **23 School Governors**

Employees appointed as School Governors (of a school at which they are not employed) may be granted up to a maximum of ten half days (five days) paid leave per annum during school working hours.

Additional leave without pay may be granted as necessary by the headteacher/ line manager subject to the exigencies of the service and requirements of the school/ Trust.

### **24 Special Constables**

Employees who are Special Constables shall be granted one weeks paid leave to undergo necessary training.

Unpaid leave will be granted for Special Constables attending as witnesses at trial at the discretion of the headteacher/ line manager.

### **25 Trade Union Members**

Employees who are trade union members should be allowed to take reasonable time off work to take part in the following trade union activities:

- (a) to take part, as a representative or delegate, in meetings of the trade union executive committee or annual conference
- (b) voting at the workplace in union elections;
- (c) to attend union meetings called during working hours.

Such time off will normally be without pay unless otherwise agreed and be subject to the prior approval of the headteacher/ line manager.

There is no right to time off for trade union activities which themselves consist of industrial action.

If an official or a member of a union is refused time off for trade union duties/activities then they have the right to complain to an industrial tribunal within three months of the refusal.

## **26 Urgent Domestic Reasons**

Headteachers/ line managers can grant special leave in respect of urgent domestic reasons which may include, for example, bereavement, compassionate leave, family sickness. Each case would obviously need to be judged on its merits but headteachers/ line managers are encouraged to give favourable consideration to such applications.

A maximum of seven days leave with pay may be granted to any one employee in any leave year. Paid leave in excess of this shall not normally be granted.

In addition, since December 1999, all employees have a statutory entitlement to a reasonable amount of unpaid time off to deal with domestic incidents, These are defined in the legislation as incidents where it is necessary for an employee to take action which is:-

1. to provide assistance when a dependant falls ill, gives birth or is injured or assaulted
2. to make arrangements for the provision of care for a dependant who is ill or injured
3. in consequence of the death of a dependant
4. because of the unexpected disruption or termination of arrangements for the care of a dependant
5. to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him/her

A dependant is

- a spouse
- a child
- a parent
- a person who lives in the same household as the employee eg a live in partner, but not someone living there as an lodger, tenant or employee

NB for the purposes of 1 and 2 above, a dependant is any person who reasonably relies on the employee for assistance but does not live with them. For the purposes of 4, a dependant is any person who is reliant upon the employee for making arrangements for care eg an elderly relative who does not live with the employee.

## **27 Weddings / Civil Partnerships**

Leave without pay for the day of the wedding / civil partnership of a close family member at the discretion of the headteacher/ line manager.

## **28 Witness in Court**

An employee, summoned to attend Court as a technical witness and where their appearance is in a capacity deriving from their employment with the school, will be allowed time off work with pay. A claim should be submitted to the Court for loss of overtime pay where applicable and travelling and subsistence expenses incurred.

An employee giving evidence under other circumstances, or litigating on his or her own behalf, would be expected to advise the headteacher/ line manager who may grant unpaid leave.

## **29 Weather**

In cases of extreme weather conditions or other exceptional circumstances outside anyone's control, employees may have difficulties in getting to work.

In such circumstances the key principle is that employees and line managers/ headteachers should agree what arrangements are reasonable in the circumstances. Employees should make every effort to attend for work and they should ensure that their line manager /headteacher is kept fully informed of the situation, however it may be necessary for them to take time off. Consideration should be given in these circumstances to attending other school's/ offices in the Trust if this is practical.