

# The Good Shepherd Multi Academy Trust

## Time Off Work For Staff



**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. STATUTORY & NON STATUTORY LEAVE**

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 and the central Trust staff.

The policy covers the following types of leave:

<b>Statutory</b>	<b>Non Statutory</b>
1. Annual Leave	13. Fertility treatment
2. Sick Leave incl. Occupational Sick Leave See details in Absence & Wellbeing Policy	14. Award ceremonies
3. Antenatal Care See details in Maternity Leave Policy	15. Duties as Partner to a Mayor/Lady Mayor or as Deputy Mayor/Lady Mayor
4. Adoption, Paternity & Parental Leave incl Maternity Support Leave See separate Adoption, Paternity & Parental Leave policy	26. Election leave
5. Maternity Leave See separate Maternity Leave Policy	17. Examinations & study leave

6. Elected Representatives of Employee Safety	18. Holiday during term time
7. Jury Service	19. House removal
8. Requests for Flexible Working See separate Applications for Changes to Working Arrangements Policy	20. Interviews
9. Public Duties	21. Medical Screening
10. Trade Union Officials	22. Personal medical/dental appointments
11. Under Notice of Redundancy	23. School Governors
	24. Special Constables
	25. Trade Union Members
	26. Urgent domestic reasons (bereavement, compassionate leave, family sickness)
	27. Weddings
	28. Witness in court
	29. Weather
	30. Charity Trustees
	31. Disability Leave

## **STATUTORY TIME OFF WORK**

### **1. a) Annual Leave (for Support Staff)**

The annual leave and bank / public holiday entitlement is:

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 date of appointment to the day prior to the anniversary of appointment.

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). Employees not on term time contracts must record their annual leave and bank /public holiday entitlements appropriately on their leave record at the beginning of each leave year.

**b) Teachers entitlement:** is as per the conditions of service in the Burgundy Book

### **2. Sick Leave incl Occupational Sick Leave**

See details in ***Absence & Wellbeing Policy***

### **3. Antenatal Care**

See details in ***Maternity Leave Policy***

### **4. Adoption Paternity & Parental Leave incl Maternity Support Leave**

Please see separate ***Adoption, Paternity & Parental Leave Policy*** for entitlement.

### **5. Maternity Leave**

Please see separate ***Maternity 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 payroll 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. Requests for Flexible Working

Please see separate ***Applications for Changes to Working Arrangements Policy*** for entitlement

## 9. 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/ Trust duties.

## 10. 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***

## 11. 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/central Trust staff 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

Any employee who considers that the following procedures have been unfairly or incorrectly applied may address the matter through the Trust's grievance procedure. Abuse of any of the non-statutory time of work allowances will be dealt with in accordance with the Trust's disciplinary procedure.

The impact and progress of the non-statutory time of work allowances will be reviewed in order to assess its effectiveness from both a personal and organisational perspective.

### **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.

See Section 10 for statutory time off rights for Trade Union Officials.

## **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.

### **30 Charity Trustees**

Employees appointed as Charity Trustees (of registered charities) may be granted up to a maximum of four half days (two days) paid leave per annum during school working hours to support their role. In granting this leave it is expected that the member of staff will bring a benefit back to the school /Trust as a result of their role in the charity.

### **31 Disability Leave**

Disability leave is paid time off work which may be granted where an employee is absent as a result of their disability, but for reasons other than sickness. As a guideline, up to 10 days disability leave in a rolling 12 month period may be granted (**part time** employee's disability leave is based on a 'pro-rata' entitlement calculated according to the proportion of hours / weeks that a part-timer/ term time only employee works compared to a full time employee). However it may be appropriate to increase this dependant on individual circumstances. In such cases advice must be sought from the Trust HR Provider.

The effect of impairment depends on the individual and their circumstances. To accommodate this requires some flexibility, therefore disability leave may be taken on a planned and unplanned basis and taken in different ways – once a week, a block of time or perhaps as periods of part time working.

Disability leave is distinct from sick leave and other time off work provisions. Disability leave will not be counted for attendance management purposes.

All employees who are disabled under the definition of the Equality Act 2010 are entitled to disability leave. There is no qualifying period for any employee wanting to be considered for disability leave. The Equality Act 2010 states that a disabled person who has a physical or mental impairment, which has an adverse effect on their ability to carry out normal day to day activities. The effect must be substantial (that is, more than trivial or minor), adverse and long-term (that is lasting or likely to last for more than 12 months, or for the rest of the life of the person concerned).

The definition is much wider than many expect, including impairments such as:

- Mental health conditions
- Learning difficulties e.g. dyslexia, dyspraxia
- Significant mobility difficulties
- Respiratory conditions e.g. asthma
- Cardiovascular diseases e.g. heart disease
- Multiple sclerosis, epilepsy
- Cancer, HIV
- Hearing or sight impairments

In order to be considered for disability leave employees must declare to the Trust that they are disabled.

### **Disability Leave Process**

When an employee declares that they are disabled and wishes to be considered for disability leave they will be referred to the Trust's occupational health provider for advice and guidance regarding appropriate adjustments that might be made to the workplace and/or job. To assist in determining this it may be appropriate to seek further medical

advice and involvement from the employee's GP/specialist or other specialist organisations.

Upon receipt of the outcome from occupational health referral and other advice, the line manager/ headteacher will arrange to meet with the employee to discuss the content of the report and what disability leave is appropriate including the need for planned leave and the likelihood of unplanned leave. The employee may be accompanied to the meeting by a trade union representative or work colleague should they so wish.

### **Planned Leave**

Planned disability leave will be agreed in advance between the employee and line manager/ headteacher. Such planned leave may for example be a number of days over each year or a block of time that a disabled employee needs to take time off for treatment or assessment related to their disability. This does not replace the provision of time off for medical screening. (see section 21)

Planned leave may include paid time off for:

- Counselling/therapeutic treatment
- Recuperation and rehabilitation following an operation/treatment
- Planning and implementation of adjustments to the workplace/job
- A phased return to work or period of time off work for a newly disabled employee

Agreement must be reached between the line manager and employee with regard to the number of days planned leave required, if any.

Where disability leave is agreed, it will be reviewed on an annual basis to assist in planning. These reviews will be supportive and confidential. Employees may be accompanied to the meeting by a trade union representative or work colleague should they so wish.

Employees whose impairment or circumstances change throughout the year may request a meeting to review their planned disability leave (or other reasonable adjustments) at any time.

### **Unplanned leave**

The line manager and employee should also discuss the likelihood of any unplanned leave, taking into consideration previous disability related absences and any improvement or deterioration (actual or anticipated) in the employee's condition. It may be possible to identify reasonable adjustments, which would counteract the need for unplanned disability leave, such as seasonal changes, working from home etc. Flexibility, co-operation and a reasonable approach are key.

Unplanned leave may include circumstances such as:

- Breakdown of usual arrangements at work (e.g. malfunction or aid/adaption etc)
- Breakdown of usual arrangements which make it difficult to get to work (e.g. care breakdown and in the absence of an accessible alternative)

Where unplanned disability leave is required employees must notify their line manager. Contact must be made with the line manager prior to their shift (no later than 1 hour from the normal start time). They should provide the reason for the absence and indicate, where possible, when they expect to return.

For all instances of disability leave the employee must complete a special leave form upon their return to record their absence accordingly.

Where a manager / head teacher is unsure about implementing any aspect of this procedure, they should seek advice from the Trust HR provider.

## Disability Leave Form

- Complete for all employees who make a request for Disability Leave
- All requests must be authorised by the relevant Line Manager/ headteacher
- Please include any relevant evidence with this form
- Save record of disability leave requests on employee file

<b>Personal Details</b>	
<b>Name of employee:</b>	

### Unplanned Disability Leave - I was on disability leave over the following period

<b>Start Date/Time:</b>			
<b>End Date/Time:</b>			
<b>Brief description of reason for leave</b>			
<b>Employee signature:</b>		<b>Date:</b>	
<b>Name of manager:</b>			
<b>Manager signature:</b>		<b>Date:</b>	

### Planned Disability Leave - I will be on Disability leave over the following period

<b>Start Date/Time:</b>			
<b>End Date/Time:</b>			
<b>Brief description of reason for leave</b>			
<b>Employee signature:</b>		<b>Date:</b>	
<b>Name of manager:</b>			
<b>Manager signature:</b>		<b>Date:</b>	

To be completed by the line manager/ headteacher

<b>Post of the person requesting disability leave:</b>	
<b>What is your recommendation with regard to the request:</b>	
<b>Any further comments:</b>	