



**THE LEARNING PARTNERSHIP**

## **Discretionary Leave and Time Off Policy**

<b>Policy lead:</b>	<b>Director of People</b>
<b>Last review date:</b>	30 April 2022
<b>Next review date:</b>	30 April 2023
<b>Approval needed by:</b>	<b>Finance and Staffing Committee</b>

## History of most recent policy changes

Date	Page / Section	Change	Origin of change e.g. Legislation, TU request
01 December 2021	Whole document	Change to The Learning Alliance	Merger into new organisation
30 April 2022	New section	EIA	Reflect good practice

## Policy Equality Impact Screening

Date of screening: 08 November 2022					
Name of person completing screening: Allan Howells					
	Does this policy have the potential to impact on people in any of the identified groups?	What is the expected impact of this policy on any of the identified groups			Notes
	<b>Yes</b>	<b>No</b>	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>
<b>Age</b>		x		x	
<b>Disability</b>	x			x	
<b>Gender Reassignment</b>		x		x	
<b>Race or Ethnicity</b>		x		x	
<b>Religion or Belief</b>	x			x	
<b>Marriage</b>		x		x	
<b>Pregnancy/ Maternity</b>	x		x		
<b>Sex</b>		x		x	
<b>Sexual Orientation</b>		x		x	
Should the policy have a Full Equalities Impact Assessment? <b>No</b>					

## **SCOPE**

**This policy applies to all employees, regardless of the number of hours and number of weeks they work however when a number of days are suggested these should be pro rata.**

This policy should be used as a guide only. The list of reasons given is neither exclusive nor exhaustive.

## **AIMS**

The purpose of this policy is to detail the provisions that The Learning Alliance will make to allow appropriate types of leave and time-off for employees to support them in fulfilling their public, personal and family responsibilities and to achieve a good work-life balance.

The policy clarifies for employees the Trust's entitlements and provisions for leave and other time off relating to different sets of circumstances.

## **PRINCIPLES**

To have a consistent approach to the approval of leave and other time-off and to comply with relevant employment legislation.

To encourage employees to fulfil responsibilities and pursue interests outside of their work role and, where appropriate, to provide appropriate time-off (paid or unpaid) for this purpose.

## **CONTENT**

This policy covers the school'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

This policy should be read in conjunction with the Trust's Flexible Working Policy where applicable.

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

## **COMPASSIONATE/BEREAVEMENT LEAVE**

If you have suffered a bereavement and cannot attend work, you should inform your manager of what has happened by telephone as soon as reasonably practicable. This will allow us to support you.

Up to 3 days paid compassionate leave (pro-rata for part-time employees) may normally be granted in a 12-month period for a bereavement relating to an immediate family member (other than a child under 18 where you are eligible for parental bereavement leave, see below for further details). An “immediate family member” is usually defined as a spouse or civil partner, partner (including same-sex partner), child under the age of 18 who passes away before 6 April 2020, adult child (i.e. who is aged 18 or over, meaning that you are not eligible for parental bereavement leave), parent (including step-parent), sibling (including step-sibling), grandparent/great grandparent or grandchild.

Where the bereavement relates to another close relative, paid leave may be granted for you to attend the funeral and support other family members, but will not normally be for more than one 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. 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 exceed 5 days.

Where the bereavement relates to a child and you have parental responsibility, you will be entitled to take parental bereavement leave. A bereaved parent can take one week, two consecutive weeks or two separate weeks’ parental bereavement leave for each child who has passed away. This is in accordance with Parental Bereavement Leave Regulations 2020 and applies to employees who have suffered the loss of a child (i.e. under the age of 18) on or after 6 April 2020, including parents who suffer a stillbirth after 24 weeks of pregnancy. Please refer to the Trust’s Parental Bereavement Leave Policy for full details.

Managers may also wish to discuss with the employee the use of other relevant leave provisions, such as, annual leave or unpaid leave where these might be appropriate. Please refer to the relevant policies, i.e. Flexible Working, Ordinary Parental Leave etc.

## **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 school 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
- And, 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 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 Headteacher/ 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 Headteacher/ 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.

### **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 Headteacher/ 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 Headteacher/ 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.

### **TIME OFF FOR HEALTH-RELATED APPOINTMENTS**

The Trust 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 school.

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's policy to permit reasonable time off work for such appointments.

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

Provided that an employee gives their Headteacher/ 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 if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through arrangement.

### **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 school 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 Headteacher/

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's Gender Reassignment Policy and Procedure.

### **TIME OFF FOR FERTILITY TREATMENT**

The Learning Alliance 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 Headteacher/ 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.

### **TIME OFF FOR RELIGIOUS OBSERVANCE**

Headteachers/ Managers have a responsibility in accordance with the Trust's Equality, Diversity and Inclusion 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 Headteacher/ Manager should allow an appropriate amount of unpaid time-off, **normally no more than 3 days per annum.**

The Headteacher/ 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 other faiths and beliefs.

### **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 in the normal way and they can [claim expenses](#) from the court for subsistence costs such as food, drink and travel.

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



## **TIME OFF FOR TERRITORIAL ARMY/RESERVE FORCES ACTIVITIES**

The Trust 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 Headteachers/manager's discretion.

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

## **TIME OFF TO UNDERTAKE PUBLIC DUTIES/ELECTION DUTIES**

The Trust 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.

### **Lay Magistrate/Justice of the Peace (JP)**

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

### **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 Headteacher/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 school.

### **Election Official**

Employees will be authorised one day's paid leave of absence for taking part in election duties as presiding officers, counting assistants or poll clerks in parliamentary, county or district council elections.

### **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 Headteacher/Manager will have the discretion to allow paid leave of up to 5 days in one year.

### **Special Constables**

Employees wishing to carry out special constable duties are encouraged to discuss with the Headteacher/ 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 Headteacher/ 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.

### **TIME OFF TO ATTEND JOB INTERVIEWS**

Where the interview is with another organisation, including another school, the employee will normally be expected to take annual 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.

### **TIME OFF FOR APPROVED RELEVANT EXAMS**

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.

### **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 Headteacher/ Manager along with the reason for the requested absence. This will usually be paid (Maximum one day).

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 Headteacher/Manager as soon as they are able, to explain why they cannot come to work and to agree with the Headteacher/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 a school decision has been taken to allow paid time off for a one-off situation that has affected a number of employees.

For any periods of leave not covered above, please speak to your Headteacher/Manager to determine what support is available.

## **UNPAID LEAVE**

Employees may request unpaid leave for up to 12 months, during which time the school 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 Headteacher/Manager who will need to ensure that there will be no detriment to the working of the department during the employee's absence.

## **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 within 30 days of returning to work. For more information and details on how to make an election, employees need to contact the [Cheshire Pension Fund](#).

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## **EQUALITY**

The Learning Alliance 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.

## **REVIEW**

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