

Time Off (Non-Sickness) Policy

This policy (and the procedure outlined within) applies across all partner schools in the Stephen Sutton Multi-Academy Trust (SSMAT). It is available on the SSMAT website and is accessible from our schools' websites.

POLICY APPROVAL and REVIEW

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1. Scope of Policy

- 1.1 Any reference to 'the employer' refers to Stephen Sutton Multi-Academy Trust (SSMAT). The 'appropriate level of authority' is determined according to the Trust's Scheme of Delegation and each partner school's decision-making structure.
- 1.2 This policy (and its procedures) applies to all employees, regardless of length of service (unless where specified), but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions.
- 1.3 This policy covers time off for compassionate leave, emergencies, medical appointments, fertility treatment, parental leave, work breaks and public duties (including jury service).
- 1.4 For the purpose of this policy, a 'close relative or dependant' is defined as:
 - a spouse, or civil partner;
 - a child, or step child;
 - a parent, or step parent;
 - a sibling;
 - a mother-in-law / father-in-law;
 - a person living in the colleague's household (not a tenant, lodger or other colleague);
 - a person who reasonably relies on the colleague for assistance, in the event of accident, illness or injury; or
 - a person who reasonably relies on the colleague to make arrangements for the care of a dependent, when care arrangements are disrupted or terminated.

2. Compassionate Leave

- 2.1 Compassionate leave may be granted in certain circumstances of urgent domestic distress.
- 2.2 A colleague can request to take up to five days of paid absence (calculated pro-rata for part-time staff), when:
 - a close relative or dependant has a serious illness;
 - a close relative or dependant is unexpectedly taken to hospital and the colleague is solely, or substantially, responsible for making the necessary arrangements;

- a close relative or dependant dies and the colleague is solely, or substantially, responsible for making the necessary arrangements;
 - they wish to attend the funeral of a close relative or dependant.
- 2.2 The entitlement (full or pro-rata) can be taken in more than one period (up to the entitlement), as circumstances dictate.
- 2.3 Time off may also be granted to attend the funerals of people other than dependants (e.g., work colleagues), although this is not an automatic entitlement and will depend on a range of factors, including the alternative arrangements that it may, or not, be possible to make in the colleague's absence, the colleague's attendance record and the overall impact on the running of the school and the students whose education may be affected.

3. Time off for Emergencies

- 3.1 Colleagues are entitled to reasonable unpaid time off to deal with unexpected emergency events. However, they are not entitled to use this type of leave on an unlimited basis.
- 3.2 Requests must relate to events that are unexpected and present the colleague with an emergency situation to resolve. For the purposes of this policy, an emergency situation is defined as:
- the need to provide assistance when a dependent falls in, or is injured or assaulted;
 - the death of a close relative or dependant;
 - the need to make arrangements to provide care for a close relative or dependant, who is ill or injured;
 - the need to deal with the unexpected disruption, or termination, of care arrangements for a close relative or dependant; or
 - the need to deal with an incident involving the colleague's child during school hours.

Examples of emergencies are:

- a colleague's spouse has an accident and needs to attend hospital;
- a colleague's child needs to be taken to alternative childcare provider due to closure of nursery; and

- a colleague needs to care for their child on the first day of their child's illness.

Emergency time off is not intended to be used for:

- attending a planned appointment, or operation, with a close relative or dependant;
- looking after a child during the school holiday; or
- providing long-term care for a child.

3.3 When time off is needed, in an emergency situation, an employee must notify the school's named person (as determined by the Headteacher) as soon after the emergency arises as is reasonably practicable. The colleague must inform the school of the reason for the absence and for how long they expect to be absent.

3.4 If the colleague does not return to work when expected, the school may telephone them again and reassess the request for ongoing time off for emergencies.

4. Medical Appointments

4.1 There is no statutory right to paid, or unpaid, time off to attend medical appointments.

4.2 A colleague will be granted paid time off to attend a first hospital appointment with a consultant or an appointment for tests and scans. If further appointments are required, then there is an expectation that these will be arranged, where possible, at the start, or end, of the colleague's working day, or at a time when it is least disruptive for the school. If this is not possible, the colleague should speak to the school's named person (as directed by the Headteacher), as soon as possible. Time off to attend further appointments may be granted as paid time off, but this should not be considered an entitlement. Evidence of the appointments, e.g. an appointment letter, should be provided, as requested.

4.3 Where a colleague needs to attend a doctor's or dental appointment on an emergency basis, reasonable paid time off will be granted.

4.4 Routine medical appointments, including blood tests and regular check-ups, should be arranged in the colleague's own time.

4.5 As a reasonable adjustment, any colleague with a disability, as defined by the Equality Act 2010, may be granted paid time off to attend medical appointments that are directly related to their medical condition. The colleague should have a discussion with their line manager / Headteacher about the frequency and nature of such appointments.

4.6 Where a colleague is required to attend hospital for a surgical / medical procedure, and they are unable to attend work, this will be regarded as sickness absence and the Management Attendance at Work Policy should be followed.

5. Time Off for Fertility Treatment

- 5.1 Up to 10 days paid leave will be granted in any academic year for fertility treatment. The leave is paid at the colleague's normal rate of basic pay. This entitlement also applies to a colleague whose partner is undergoing fertility treatment.
- 5.2 If the colleague requires further time off beyond the number of days permitted by this policy, this may be granted at the discretion of the Headteacher but may be unpaid.
- 5.3 A colleague who wishes to take advantage of paid leave for fertility treatment must:
- apply to the Headteacher for paid leave (in writing), as soon as plans to undergo fertility treatment have been confirmed;
 - provide a statement from a qualified medical practitioner that fertility treatment is recommended and approved;
 - produce an appointment card for each occasion on which leave is requested;
 - try to arrange appointments on days and at times of the day that will cause the least disruption to the school; and
 - give as much notice as possible of the days on which leave is required
- 5.4 If the effects of the fertility treatment incapacitate the colleague, who is therefore unable to attend work, this is treated and managed as sickness absence, in accordance with the Trust's Managing Attendance at Work Policy. Normal sickness absence reporting and management procedures apply.

6. Other Family and Domestic Issues

- 6.1 One day with pay may be granted in order to attend the wedding of a parent, brother/sister or child. In circumstances where a colleague has annual leave that can be taken at this time, they are expected to book annual leave.
- 6.2 One day with pay is allowed in order to move house, in circumstances where the colleague is subsequently remaining in the Trust's employment.
- 6.3 One day with pay is granted to allow a colleague to attend their graduation (or similar ceremony), or the graduation (or similar ceremony) of their partner or child.
- 6.4 Other requests, related to urgent/unforeseen family/domestic business, are considered and granted (paid or unpaid) or declined at the discretion of the Headteacher (or other nominated senior leader).

7. Parental Leave

- 7.1 Colleagues may make use of parental leave to take time off work in the interests of their child's welfare. This may include taking time off to look at new schools, extended visits to family who live in another country or caring for their child following an operation.
- 7.2 A colleague with one year's continuous service is entitled to 18 unpaid weeks taken up to the child's 18th birthday. This provision relates to each child born or adopted.
- 7.3 The colleague is required to give the school 21 days of notice (in writing, for the attention of the Headteacher) before the intended start date of the leave.
- 7.4 As desired, parental leave can be taken straight after birth or adoption or immediately after maternity, paternity or adoption leave.
- 7.5 Parental leave must be taken in blocks or multiples of one week, unless the Headteacher agrees otherwise. Where the child concerned is disabled, parental leave may be taken in days, rather than in weeks.
- 7.6 Parental leave is limited to a maximum of four weeks per year.
- 7.7 The school may postpone a requested period of parental leave for up to six months, if the colleague's absence would unduly disrupt the operation of the school. Parental leave will not be postponed, where it is due to start on the day the child is born or placed for adoption
- 7.8 Where a period of parental leave is postponed, the Headteacher will provide the applicant with written reasons within seven days of receiving the request.

8. Work Break Scheme

- 8.1 The Trust's Work Break Scheme provides colleagues with the opportunity to take a planned period of time off work to concentrate on alternative personal priorities. The primary purpose is to offer colleagues the flexibility to more easily combine family commitments with work, but this also extends to other personal commitments such as travel or voluntary work.
- 8.2 It should be noted that there is no contractual right to take a work break and each individual request will be considered on a case by case basis by the Headteacher.
- 8.3 Eligibility for the Work Break Scheme is restricted to permanent employees currently at work, regardless of grade or occupation and subject to agreement from the Headteacher. The provisions also apply to those currently on Maternity / Adoption/ Additional Paternity Leave).
- 8.4 A work break lasts for a minimum of three calendar months and a maximum of one calendar year and is, effectively, a period of unpaid leave. There is no requirement for a

colleague to resign from their position, unless they subsequently decide not to return at the end of their work break.

- 8.5 Where circumstances permit, a colleague's position may be filled on a temporary basis (either through a temporary appointment or through another member of staff 'acting up'), until such time as the work break comes to an end. The temporary employee is usually given a contract to cover the anticipated period of the work break, but any variation of this (e.g. the substantive post holder seeks an earlier return) is subject to one month's notice.
- 8.6 At the end of a work break, a colleague normally returns to the job they left. Where this is not possible, normal consultation arrangements are observed.
- 8.7 Where an individual wishes to take a work break, they should discuss this initially with their Headteacher on an informal basis, and then submit an application.
- 8.8 When deciding whether, or not, to agree to a work break, the Headteacher considers the feasibility of recruiting a suitable individual to fill the post on a temporary basis, whilst the work break is in progress. Where a work break has been taken previously, it is unlikely that a second work break would be granted within five years of a previous work break having commenced.
- 8.9 Where it is decided that a work break can be accommodated, a work break agreement is prepared, outlining the roles and obligations of each party to the agreement. The work break agreement is signed by both parties and sent to the Trust's payroll provider, along with the variation form.
- 8.10 During a work break, a colleague has a responsibility to keep their professional skills and knowledge up to date
- 8.11 Where feasible, an agreement *may* be made between the school (i.e. Headteacher) and the employee, as part of the work break arrangement, for the colleague to do up to 10 days of paid work in the school, in order to help the individual to maintain their skill base. The 10 days paid work is casual / supply work, paid at the point on the pay scale applicable at the beginning of the work break. The 10 days of paid work allows contact between the employee and the school to be maintained and helps to maintain up-to-date skills. The colleague *may*, from time to time, be invited to join in with relevant training events. Colleagues are paid their full contractual pay for any day worked. Payments made for days will be paid at the end of the work break period, for actual hours worked. During a work break, a school has no right to require a colleague to carry out any work and a colleague has no right to undertake any work.
- 8.12 Where a work break follows a maternity leave, the Headteacher must ensure that the work break commences towards the end of the maternity leave and after the period of paid leave. This will ensure that the colleague's benefits are protected. A colleague ending maternity leave, who enters into a work break agreement, has clearly indicated the intention to return to work. As such, the contractual part of maternity pay (i.e. the period at half pay) can either be paid as soon as statutory pay expires or held in abeyance until the employee returns to employment, following the work break. Where

a colleague fails to return to work at the end of the work break period, the Trust's payroll provider will take steps to recover the occupational part of maternity pay, where it was paid.

- 8.13 Where a colleague has received financial assistance for post-entry training prior to commencing the work break, repayment will be required if the colleague fails to return to work at the end of the work break.
- 8.14 Once a colleague has been absent for the agreed period of their work break, they should return to work on the agreed date, but should contact the Headteacher at least one month beforehand to confirm their intention to return on the agreed date and make arrangements for any necessary induction process or refresher training on return. If a colleague is unable to return on the agreed date, due to sickness or other absence, they must carry out the relevant absence reporting procedure.
- 8.15 Where a colleague does not intend to return to work, following a work break, they should inform the Headteacher of this and tender their resignation from their post, giving the appropriate notice period, as specified in the contract of employment. The termination date should coincide with the planned termination date of the work break agreement. As the employee is voluntarily on unpaid leave at this time, there is no entitlement for payment for the duration of the notice period.
- 8.16 A colleague can terminate the work break agreement and return to work during the work break if their circumstances change and they feel that they are no longer able to comply with the terms of the work break. In this situation, the colleague informs the Headteacher, in writing, giving one month's notice that they wish to terminate the work break arrangement and return to work.
- 8.17 For colleagues who have lease cars, taking time off on a work break may affect the terms of their lease car agreement. These colleagues should speak to the Trust Business Manager to understand what impact it will have.
- 8.18 Taking time off on a work break may also have an impact on a colleague's occupational pension entitlements. Colleagues are advised to seek advice from their pension scheme about how a work break may affect their contributions and pension fund.

9. Time Off for Trade union Duties and Training

- 9.1 Officials of recognised trade unions / professional associations have the right to reasonable paid time off work in order to attend to industrial relations duties and to undergo training for those duties. Further details are provided in a separate trade union 'Facilities Agreement'.

10. Time Off to Attend Interviews

- 10.1 In general, colleagues will be granted time off with pay to attend interviews. Written evidence of details of the interview should be provided to the Headteacher. However, where colleagues are called for several interviews within an academic year, Headteachers can use their discretion to determine to what extent they can reasonably

authorise requests, taking into account the impact on students' learning and the organisation as a whole.

- 10.2 A colleague who has been formally declared 'at risk of redundancy' may take reasonable time off, with pay, to attend job interviews (submitting evidence of interview arrangements).
- 10.3 At the discretion of the Headteacher, teachers who gain a job at another school are allowed up to one paid day of leave to visit their new school prior to starting their employment there.

11. Time off for Study and Examination Leave

- 11.1 Colleagues are entitled to time off, with pay, in order to take vocationally relevant examinations, as part of an approved course of study. Where an examination takes place in the morning, a colleague would be expected to attend work for the afternoon session, and vice versa.
- 11.2 Revision leave may also be granted in relation to examinations: one day's revision leave is permitted for an examination of three hours in duration, up to a maximum of three days of leave in an academic year; half a day of revision leave is allowed for an examination of less than three hours, up to a maximum of one and a half days in an academic year.

12. Time Off for Other Professional Reasons

- 12.1 Teachers should gain approval from the Headteacher, or other nominated member of the senior team, to undertake any form of professional commitment that could require absence from work or which could otherwise impact upon the exercise of their responsibilities. Within this context, leave will generally be granted with pay. Where an organisation offers to pay for supply cover, arrangements should be made, through the Finance Office, to claim these funds.

13. Time Off for Public Duties

- 13.1 The phrase 'time off for public duties' covers time off for:
- Justices of the Peace, jury service and court witnesses;
 - reserve forces and peace-time emergency forces;
 - elections; and
 - representative sport
- 13.2 Where time off is granted for public duties and an allowance is claimable for loss of earnings, colleagues should claim the allowance and pay it to the school. All leaves of absences for public duties are subject to an assessment of service needs and are agreed in advance, as appropriate, by the Headteacher.

13.3 Where the Headteacher is satisfied that time off will not be detrimental to the school, as a Justice of the Peace or Local Authority Elected Member, a colleague may be granted:

- up to 18 days, or 36 half days, paid leave, calculated on an hourly basis, subject to the total number of hours taken not exceeding the hourly equivalent of 18 days; and
- up to 35 days, or 70 half days, without pay, taken as full or half days, i.e. not calculated on an hourly basis.

Colleagues may take no more than 208 hours of leave, in total.

13.4 For other public duties listed in the Employment Rights Act 1996 that do not include duties as a Justice of the Peace or Local Authority Member, where the Headteacher is satisfied that time off will not be detrimental to the school, a colleague may be granted:

- up to nine full days, or 18 half days, with pay, calculated on an hourly basis, subject to the total number of hours taken not exceeding the hourly equivalent of nine days; and
- nine full days, or 18 half days, without pay, taken as full or half days i.e. not calculated on an hourly basis.

Colleagues may take no more than 208 hours of leave, in total.

13.5 Where a colleague receives a summons to serve on a jury, they should report that fact immediately to the Headteacher. Leave of absence will be granted, unless an exemption is secured. Although not obliged under law, paid leave of absence will be granted to colleagues undertaking jury service.

13.6 When summoned for jury service, a colleague receives a *Certificate of Loss of Earnings or Benefit* for from HMCS. The colleague and the school complete the relevant parts of the form, and then send it to the Trust's payroll provider (via the Headteacher / Trust Business Manager), along with the Notification of Jury Service. The counterpart of the form is handed to Court officials on the first day of attendance for Jury Service, in order to claim for loss of earnings.

13.7 On completion of Jury Service, the colleague receives a payment from HMCS for the total amount of earnings allowed by law. The 'loss of earnings' paid by HMCS will not, usually, amount to the employee's normal earnings. The employee will also receive a certificate of attendance and an 'Advice Slip' explaining how the payment has been calculated. The colleague sends the 'Advice Slip' to the Trust's payroll provider (via the Headteacher / Trust Business Manager) who then makes arrangements for the 'loss of earnings payment' to be reclaimed by the Trust on the school's behalf. The colleague keeps any travelling and subsistence expenses claimed from the Court.

13.8 Colleagues called to be court witnesses, defendants, or plaintiffs, on behalf of the school or the Trust, will be granted paid leave to attend court. Time off with pay will not be

granted in respect of cases personal to the colleague, but managers should facilitate availability to attend court (on an unpaid basis), as required.

- 13.9 Where a colleague attends court for jury service, or as a witness, but they are not required for a particular day, they should return to the workplace on that day. If they do not return to work, this will be considered an unauthorised absence and the colleague will not be paid for this time.
- 13.10 Members of reserved forces will be released to meet government requirements and, on return, will be entitled to return to the job in which they were employed, unless that is not practicable, in which case they have the right to return to a job that is both suitable and appropriate. Requests for time off to volunteer, where there is no compulsory mobilisation, will be considered on a case by case basis. Specific advice should be sought from the Trust Business Manager, who will liaise with the Trust's HR providers, as appropriate.
- 13.11 Volunteer Reservists may be required to undertake training for up to 16 days per annum. This is usually undertaken on Saturdays and Sundays. The onus is on the colleague concerned to arrange for training to be undertaken in off-duty time. Where this is not possible, paid leave may be granted for mutually acceptable dates.
- 13.12 Colleagues in the Territorial Army and Volunteer Reserve Forces, who are required to attend annual camp, are allowed the two weeks as additional leave with pay.
- 13.13 Colleagues who are called upon to assist during a peace-time emergency, under emergency planning schemes (e.g. as a scientific adviser, or as a members of the Red Cross or St. John Ambulance) are granted leave of absence with pay for such duty.
- 13.14 Colleagues may be granted paid leave to assist in election polling, or the count at elections. All absences of this nature are subject to service needs and must be agreed in advance with the Headteacher. For anyone currently in a post classed as Politically Restricted, the Trust Business Manager should be consulted, who will seek advice on the application of the Local Government and Housing Act 1980.
- 13.15 One day's leave of absence (the polling day), without pay, is granted to a colleague who contests a local election.
- 13.16 A colleague who stands as a candidate at a General Election, or a European Election, or who acts as a Parliamentary Agent, is granted leave of absence without pay, for the period from nomination day to polling day (inclusive).
- 13.17 Leave of absence is not granted to colleagues to enable them to attend party political conferences.
- 13.18 Time off with pay is considered to allow, where practicable, for colleagues to attend meetings of a school's Governing Body, or another public body.

13.19 Leave with pay, or without pay, may be granted to colleagues who are selected to represent their county, or country, in representative sport. For competition on a professional basis, leave is without pay.

14. Applying for Time Off

- 14.1 In all circumstances, a colleague should, as soon as is practicable, discuss with the Headteacher (or nominated manager) the circumstances surrounding the need for time off. As required by the school, a Leave of Absence Form should be completed (other than for emergency situations).
- 14.2 Requests are considered carefully and sympathetically, taking into account the particular circumstances. When considering a request, the school may reasonably ask for documentary evidence from the colleague to support the application.
- 14.3 In the unlikely event that a request for compassionate leave is refused, the Headteacher (or nominated manager) should explain carefully the reasons for turning down the request. The colleague has a right of appeal where a request for compassionate leave has been declined. The appeal should be put in writing to the Headteacher, no later than five working days after notification that the leave has been declined.
- 14.4 There may be occasions where the need for time off is likely to continue beyond the entitled paid absence provided for by this policy, e.g. where a close relative or dependent has a longer term hospitalisation. In these circumstances, careful consideration should be given to other provisions available to assist colleagues, such as annual leave, flexible leave, unpaid leave or work breaks.

15. Accountabilities

- 15.1 Colleagues are responsible for:
- ensuring that any public duties that are undertaken do not compromise their work commitments, or draw into question their loyalty to the school and to the Trust; and
 - submitting applications for time off in the prescribed manner, and for claiming loss of earnings allowances, wherever possible.
- 15.2 The Headteacher (directly and/or through delegated powers) is responsible for considering applications for time off in accordance with service and legal requirements and consistent with this policy.

Stuart Jones; Nov. '18