

The Mercian Trust

Time Off Policy

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1.Introduction

- 1.1 UK Legislation gives employees the statutory right to take reasonable unpaid leave to deal with dependent related emergencies and also for certain public duties. This policy goes beyond the basic rights by allowing for both paid and unpaid leave depending upon the situation. The appropriate level of authority should be determined according to the Trusts Scheme of delegation.
- 1.2 This procedure applies to all academy-based staff regardless of length of service and employment status e.g. fixed term, permanent, temporary. It does not form part of the contract of employment and can be varied from time to time in full consultation with the recognised Trade Unions.
- 1.3 It is important that suitable rules and procedures are in place within our academies which will promote fairness and consistency in the treatment of individual employees, and which reflect the relevant policy on equal opportunities and appropriate legislation.
- 1.4 This Procedure deals with time off work for reasons other than sickness, maternity, paternity, adoption, parental or annual leave. Reference should be made to the Parenting Policies or Sickness Absence Management Procedure where appropriate.
- 1.5 Employees should be encouraged to make personal arrangements outside normal academy/working hours in order to minimise the impact on their normal work activities and on the effective running of the academy. However, it is recognised that on occasion this may not be possible for reasons beyond the control of the employee and therefore provisions for special leave are contained within this document.
- 1.6 The Headteacher/Principal has delegated responsibility for granting special leave as outlined in this document. If leave is required for any other reason, this should be referred to the Governing Body for consideration, along with routine reports on the granting of any special leave.
- 1.7 Time off may be granted with or without pay and salary will be deducted for periods of unpaid leave, in accordance with agreed procedures.
- 1.8 Authorised leave of absence (paid or unpaid), does not break continuity of employment. However unpaid leave of absence does not count towards reckonable service for pension purposes.
- 1.9 Unauthorised leave of absence will be dealt with in accordance with the Disciplinary Procedure and salary will be deducted accordingly, following written notification from the Headteacher/Principal to the employee.
- 1.10 Cover for teachers who are granted leave of absence will be arranged in accordance with any statutory, national or local agreements in place at the time.
- 1.11 For the purpose of this policy the following definitions apply:
 - **“Dependents”** include partner (including same sex partner), husband, wife, civil partner, child, parent or grandparent, step-parent or parent-in-law, sibling or elderly relative. They can also be another person who lives in the same household or someone

who reasonably relies on the employee for assistance in the event of serious illness or injury. Dependents do not include individuals who live in the same household but under a commercial arrangement such as a tenant, boarder, lodger or employee.

- **“Family”** includes the employee’s wider family such as cousins, aunts, uncles or a partner (including same sex partner) who no longer lives in the same household.

2. Applying for Time Off

- 2.1 Applications for time off should be submitted in the first instance to the Headteacher/Principal. Except in an emergency, applications must be submitted as far in advance as possible and six weeks’ notice is normally required.
- 2.2 The Headteacher/Principal will consider the request, having regard to statutory obligations, the nature of the request, the employee’s eligibility and the needs of the academy.
- 2.3 Time off for part of a working day may be granted at the discretion of the Headteacher/Principal in exceptional circumstances and no more than three times per academic year.
- 2.4 If time off is required in order to deal with an unexpected or sudden emergency concerning a dependent, the employee must notify the Headteacher/Principal as soon as practicable, giving the reason for their absence and how long they expect to be away from work in order to deal with the emergency.
- 2.5 If there is disagreement regarding the granting of special leave, the matter may be referred to the Local Governing Body by the employee or Headteacher/Principal.
- 2.6 In exceptional circumstances, extended unpaid leave may be authorised by the Local Governing Body. The terms of this leave should be confirmed to the employee in writing in order to clarify the contractual situation during their absence.

3. Guidance on Statutory Time Off

3.1 Trade Union Duties and Training

Officials of recognised trade unions/professional associations have the right to reasonable paid time off work to attend to appropriate industrial relations duties and to undergo training for those duties.

3.2 Time Off to take care of Dependents

This entitlement is detailed in legislation and refers to time off in order to deal with an unexpected or sudden emergency concerning a dependent. Reasonable time off without pay will be granted and in most circumstances, it is anticipated that a maximum of one or two days should be sufficient to make appropriate arrangements. See also The Mercian Trust provisions below allowing for a period of time off with pay in specified circumstances as detailed in paragraph 4.5.

In order to ensure that fairness prevails the following circumstances are given as a guide as to when an employee may take time off (this list is not exhaustive, and the Headteacher/Principal will need to consider each situation individually):

- an employee is required to make care arrangements when a dependent falls ill, is injured or is assaulted
- a dependent goes into labour unexpectedly and relies on the employee to take them to hospital
- an employee is required to deal with an unexpected disruption, termination or breakdown of care arrangements for a dependent
- an employee's elderly neighbour becomes critically ill and the employee is closest at hand to ensure the neighbour receives emergency treatment
- an employee's child is too ill to attend nursery or school and alternative childcare arrangements cannot be made until the next day

Asking for compassionate or emergency leave in an emergency or compassionate situation, communication with an employee's line manager is an important consideration. It is recognised that, in an emergency situation, it may not be possible for an employee to speak to their line manager before they leave work. However, the employee should speak to their line manager as soon as they can. They should explain the circumstances, if possible, indicating the length of time they are likely to need to cover the immediate situation. There is no requirement to provide written notification or written proof.

Other considerations

There may be occasions where the need for time off is likely to continue beyond the entitled absence provided for by this policy (for example where a dependent has a longer term hospitalisation). In these circumstances careful consideration should be given to other provisions available to assist employees such as annual leave, flexitime, unpaid leave or work breaks.

Roles and responsibilities

It is the responsibility of employees to discuss with their manager the circumstances surrounding the need to take time off as compassionate or emergency leave.

It is the responsibility of managers to support and listen to employees when the initial emergency occurs, grant any request for time off where an employee is eligible, and then talk to them about any continued impact.

3.3 Public Duties

Employees who hold certain public offices are entitled to reasonable, unpaid time off. However local provisions allow for time off with pay in specified circumstances:

- Time off with pay up to a maximum of one day per 2 school weeks for Magistrates/JP's up to a maximum of 26 days per annum. A sum equivalent to any allowances claimed for loss of earnings will be deducted from salary.
- Up to 16 days with pay per annum in order to attend annual training for Territorial Army, or similar service organisation. (Every effort should be made to arrange to attend annual training during school holidays.) A sum equivalent to any pay received by the employee during their training will be deducted from salary.
- Time off with pay will be considered to allow employees to attend meetings of other public bodies e.g. School Governing Bodies.
- One day with pay (polling day) for employees who are candidates in local government elections.

Jury Service

Where an employee receives a summons to serve on a jury, they should report that fact immediately to their manager. Leave of absence will be granted unless an exemption is secured. Although not obliged under law, paid leave of absence will be granted to employees undertaking jury and other public service.

When summoned for jury service, an employee will receive a form called "Certificate of Loss of Earnings or Benefit" from HMCS. The employee and the manager should complete the relevant parts of the form, and then send it to the payroll team along with the Notification of Jury Service.

The employee must use this to claim their loss of earnings from the Court and hand it to Court officials on the first day of attendance for Jury Service.

On completion of jury service, the employee will receive a payment from HMCS for the total amount of earnings allowed by law. It should be noted that 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 employee should send the 'Advice Slip' to the payroll team who will then make arrangements for the 'loss of earnings payment' to be reclaimed by the employer. The employee will keep any travelling and subsistence expenses they have claimed from the court.

Witnesses

Employees called to be witnesses, defendants, or plaintiffs on behalf of the Trust will be granted paid leave to attend court.

However, time off with pay will not be granted in respect of cases personal to the employee, but managers should facilitate availability to attend court. This should be on an unpaid basis.

Returning to the workplace

If an employee 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 as unauthorised absence and the employee will not be paid for this time.

4. Guidance on Other Requests for Time Off

4.1 Interviews

Time off with pay to attend interviews. Written evidence of details of the interview should be provided to the Headteacher/Principal.

The Headteacher/Principal has discretion as to the amount of time off. For example, an employee attending an interview in the morning will be expected to return to work in the afternoon and vice versa.

If the employee is invited to attend a whole day interview, dependent on the circumstances, the manager may grant one day paid time off. Similarly, if the employee is required to travel some distance to the interview, which may necessitate a full day off, or the interview is in the middle of the day, the Headteacher/Principal may grant one day's paid time off.

For an employee involved in an interview process taking place over 2 days, a day's pay will be allowed for each day.

An employee who has been formally declared 'at risk' of redundancy may take reasonable time off with pay to look for another job, including attending job interviews outside of the redundancy modification order as required by law. The employee is still required to provide evidence of the interview.

Teachers moving schools may be allowed up to a maximum of 1 discretionary day to visit their new school. This will be with the agreement of the Headteacher/Principal and at a mutually agreed time.

4.2 Study and Examination Leave

Time off with pay in order to take relevant professional/other examinations as part of an approved course of study. If the examination is in the morning, the employee will be expected to either attend work in the afternoon and vice versa.

Revision leave may also be granted prior to such examinations. 1-day revision leave per 3-hour examination up to a maximum of 3 days. ½ day revision leave per examination of less than 3 hours up to a maximum of 1 ½ days.

4.3 Other Professional Reasons

Teachers may be involved in the activities of Examining Groups requiring their release from work for several days per year. Time off with pay should be granted wherever

possible and having regard to the provisions contained within the document “Conditions of service for school teachers in England and Wales – Memorandum of Agreement for the Release of Teachers”.

Any employee who, in their professional role, is asked to give a lecture, demonstration etc. during school hours should seek approval for time off prior to accepting the invitation. If approved, time off will be with pay.

4.4 Bereavement

Up to 5 days with pay following the death of a dependent, having regard to individual circumstances. An additional day with pay will be granted to attend the funeral of a dependent. A close relative would be a partner, parent, partner’s parent, sibling or child.

Up to 3 days with pay following the death of other close relatives, having regard to individual circumstances. An additional day with pay will be granted to attend the funeral of other close relatives. Other close relatives are a partner’s child not living in the same household, grandparent or elderly relative.

Up to one day with pay and one day unpaid may be granted following the death of further relatives. An additional day with pay will be granted to attend the funeral of other close relatives defined as cousins, aunts, uncles and former partners.

Time off with/without pay may be granted by the Headteacher/Principal following the death of and /or to attend the funeral of other relatives or non-relatives such as a close friend or work colleague.

The entitlement (full or pro-rated days) can be taken as single days as circumstances dictate.

4.5 Other Private/Family Business

Up to one day per term, with pay, but may be extended to 3 days in exceptional circumstances in order to deal with urgent and unforeseen private or family business.

Maximum of three days per academic year, with pay, in order to deal with the serious illness of a close relative.

One day with pay will be granted in order to attend the wedding of a parent, brother/sister or child. If the wedding involves significant travel at the discretion of the Headteacher/Principal further days may be granted with/without pay.

One day with pay in order to move to a new house, on the basis that the employee is remaining in employment at the Trust/Academy.

One day with pay will be granted to allow the employee to attend their graduation or other similar ceremony. One day with pay will be granted to enable the employee to attend the graduation of their partner or child.

Half a days paid leave may granted with pay at the discretion of the Headteacher/Principal to attend school performances of dependents such as sports

day, nativities, school plays and assemblies. The request for leave will be assessed in relation to the costs of covering the absence.

Up to one days paid leave will be granted to deal with a sudden and unexpected household emergency such as a broken boiler, external damage, stolen car or the death of a pet. Any additional days requested for sudden or unexpected household emergencies may be granted at the discretion of the Headteacher/Principal but will be unpaid.

Time off with pay for the purpose of cancer screening.

4.6 Medical, Dental or Hospital Appointments

The Trust/Academy will allow paid time off for employees to attend medical, hospital or emergency dental and optical appointments. Employees must provide evidence of the appointment and where possible arrange these appointments outside of working hours.

Where treatment is ongoing, or the employee regularly books the appointment during working hours the Headteacher/Principal has the right to query the arrangements, although it is accepted that some appointments such as hospital appointments may be outside of the employee's control.

With regards to regular opticians and dental appointments, these must be arranged outside of working hours. The Headteacher/Principal has the right to refuse paid time off for such appointments.

4.7 Religious observance

Employees may require time off to observe a religious festival not covered by current statutory holidays, or for prayers. The Trust/Academy will grant one days paid leave for such circumstances.

5. Workbreaks

The Mercian Trust's work break scheme provides employees with the opportunity to take a planned period of time off work to concentrate on alternative personal priorities. The primary purpose is to offer employees the flexibility to more easily combine family commitments with work, but this also extends to other personal commitments such as travel, recovery from a long-term illness or voluntary work.

It should be noted that there is no contractual right to take a workbreak and each individual request will be considered on a case by case basis by the Headteacher/Principal.

Eligibility

The provisions within this policy may apply to permanent employees currently at work* with a minimum of two years' continuous satisfactory service with the employer regardless of grade or occupation and subject to agreement from your Headteacher/Principal. (* the provisions of this policy also apply to those currently on maternity, adoption, paternity or shared parental leave).

Satisfactory service will be defined as service where:

- There is no current (i.e. unspent) disciplinary action/sanction against the employee and/or
- There is no current formal action against the employee under the Performance Improvement or Managing Attendance policies.

It is unlikely that a second application would be considered within 5 years of a previous work break having commenced.

These provisions are not applicable to colleagues on temporary contracts.

Administering the Workbreak

The work break will last for a minimum of three calendar months and a maximum of one calendar year and will effectively be a period of unpaid leave. There is no requirement for the employee to resign from their position unless they subsequently decide not to return at the end of their work break.

Where circumstances permit, the employee's position may be filled on a temporary basis until such time as the work break comes to an end.

At the end of the work break period, the employee does not have an automatic right of return to the role they occupied prior to taking the work break. If the substantive post is no longer available, the employer will make best endeavors to find a suitable alternative role which will be no less favourable. If this is not possible, normal redeployment and consultation arrangements will be adhered to.

When deciding whether to agree to a work break, the Headteacher/Principal must consider the feasibility of recruiting a suitable individual to fill the post on a temporary basis whilst the work break is in progress.

During the work break the employee has a responsibility to keep their professional skills and knowledge up to date.

In addition, an agreement may be made between both the employer and employee as part of the work break arrangement (where feasible), for the employee to work up to 10 days paid work for the employer, in order to help the individual to maintain their skills. The 10 days paid work will be casual / supply work paid at the point on the pay scale applicable at the beginning of the work break. The 10 days paid work will allow contact between the employee and their manager to be maintained and to help to maintain up-to-date skills. The employee may, from time to time, be invited to join in with relevant training events.

Payment applicable for days worked will be paid at the end of the work break period. Payment will be paid for actual hours worked. The employer has no automatic right to require the employee to carry out any work and the employee has no automatic right to undertake any work during the work break.

Maternity Leave and Work break

Where a work break follows maternity leave, the Headteacher/Principal 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 employee's benefits are protected. An employee ending her maternity leave who enters into a work break agreement has clearly indicated her intention of returning 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 work following the work break. If an employee fails to return to work at the end of the work break, the employer will take steps to recover the occupational part of maternity pay where it was paid.

Where an employee has received financial assistance for post entry training prior to commencing the work break, repayment will only be required if the employee fails to return to work at the end of the work break.

Ending the Work break

Once the employee has been absent for the agreed period of the work break they should return to work on the agreed date but should contact their Headteacher/Principal 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 an employee is unable to return on the agreed date due to sickness or other absence, they must carry out the relevant absence reporting procedure.

If the employee does not intend to return to work following the work break, they should inform their Headteacher/Principal of this and tender their resignation from their post giving the appropriate notice period as specified in the individual's contract of employment. The termination date should coincide with the planned termination date of the work break agreement. Note: as the employee is voluntarily on unpaid leave at this time there is no entitlement for payment for the duration of the notice period.

An employee 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 employee should inform their manager in writing giving one month's notice that they wish to terminate the work break arrangement and return to work. An employee wishing to return from a work break should give at least one month's notice of their intention to return regardless of whether they are returning early. (NB: Anyone filling the position on a temporary basis will also require a month's notice of termination of the temporary contract.)

When the employee returns to work from a work break the Headteacher/Principal should inform payroll of their return.

How to Apply

If an employee wishes to take a work break they will be required to discuss this initially with their Headteacher/Principal on an informal basis, then submit their request in writing.

In considering whether to agree to a work break, the Headteacher/Principal should take account of the individual's eligibility and the likelihood of being able to recruit a replacement to cover for the duration of the work break.

If a decision is made that the work break can be accommodated, a work break agreement should be prepared outlining the roles and obligations of each party to the agreement.

The work break agreement should be completed by the Headteacher/Principal and the employee and signed by both parties. The agreement should be sent to payroll to be actioned.

Other considerations

Taking time off on a work break will have an impact on an employee's occupational pension entitlements. Where applicable, employees should seek advice from their relevant Pensions team before a work break agreement is entered into.