



Discretionary Leave Policy

POLICY

This policy has been adopted on behalf of all academy schools in The New Guild Trust:

Moorpark Junior School

Jackfield Infant School

Alexandra Junior School

Alexandra Infants' School

Approval and Review

Committee to approve policy	Trust Board
Date of Board / Academy Committee Approval	Dec 26
Chair of Board / Academy committee	Mrs L Eagle
Signature	<i>L Eagle</i>
Accounting Officer	Mrs K Peters
Signature	<i>K Peters</i>
Policy review period	12 months
Date of policy review	Dec 27

Version Control			
Version	Date Approved	Changes	Reason for Alterations (From and To)
1	JCNC Consultation Oct 24	Initial version adopted from Stoke HR	
2	JCNC consultation Oct 25		
3	JCNC Consultation Nov 26		

POLICY STATEMENT

UK legislation gives employees the statutory right to take reasonable unpaid leave to deal with dependent-related emergencies and also for certain public duties.

The New Guild Trust ("the Trust"), otherwise known as the employer recognises its statutory duties and this policy provides a framework for managers to ensure consistency when dealing with an employee's request for discretionary leave.

This policy, which goes beyond the basic rights by allowing for paid, as well as unpaid, leave depending on the situation, covers time off for compassionate leave, emergency leave, public duties, wellbeing, and work breaks.

The 'appropriate level of authority' should be determined according to the employer's decision making structure.

Who the Policy Covers

This policy applies to all employees, regardless of length of service and employment status, e.g. fixed term, permanent, temporary (unless otherwise specifically stated). It does not form part of the contract of employment and can be varied from time to time.

This policy does not apply to agency workers, casual workers, volunteers or governors.

Policy Principles and Definitions

Leave of absence may be defined as discretionary leave and may be granted to help staff deal with an array of different circumstances. Leave of absence granted may be paid or unpaid and the different circumstances may fall into the following categories.

Urgent Domestic/Other Distress

This may include sudden illness of a dependent which includes both mental and physical illness, where a dependent has an accident, a family crisis such as flooding, burglary or assault etc. The purpose of this leave is to enable the member of staff to deal with an unexpected or sudden problem and to make longer term arrangements for the care of their dependents, including the disruption of care or an emergency situation at school.

For the purpose of this procedure a dependent can be defined as:-

Partner

Child

Parent

A non-immediate family member who lives with the employee

An individual who relies on the employee to care for them i.e. an elderly neighbour

Dependents do not include individuals who live in the same household but under a commercial arrangement such as a tenant, boarder, lodger or employee.

Time Off for Dependents

In the case of 'normal' childhood/dependent illness it is expected that staff should be able to make alternative arrangements. It is recognised that employees may be faced with situations where a dependent is taken ill suddenly and with a serious illness for example: a child has meningitis; a dependent has a stroke or a heart attack etc. These examples are by no means exhaustive but give an indication of the sort of emergency circumstances where it is necessary for an employee to take time off to arrange care for a

dependent relative who is ill or infirm.

Compassionate Leave

Time off will normally be restricted to funeral attendance but consideration will need to be given to the circumstances of the individual for example; where an employee is responsible for the funeral arrangements or where an individual has been brought up by an aunt, uncle or foster parents.

Time off for Medical Appointments

Employees should make all reasonable attempts to arrange medical appointments outside of school hours. If the appointment is a non-routine appointment and where it has been proved impractical to attend outside of normal working hours, the request will fall under the remit of this procedure.

The Trust will accommodate a reasonable number of paid medical appointments during working hours for staff with disabilities.

Time off for Religious Observance

Many religions and beliefs are represented in our multi-cultural society and the Trust recognises that people may wish to observe the requirements of their chosen religion or belief system while at work. The Trust aims to ensure a fair and consistent approach in the management of such requests so that no employee is discriminated against on the basis of their religion, belief, or absence of religion or belief.

Time off for Religious Festivals or Worship

The Trust will endeavor to accommodate requests for time off for religious observance. However, priority will be given to requests on a "first-come, first-served" basis. Requests will be considered individually and where there is a high level of demand for time off in an area of the Trust, requests will be treated fairly and equitably. In all cases, requests will be balanced with business needs to ensure that the operation of the schools and/or the Trust remains unaffected.

While the Trust aims to be sensitive to the needs of its employees, employees also have a responsibility to ensure that their Headteacher is aware, in good time, of their individual needs to meet the requirements of their belief or religion. This will ensure that there is ample opportunity for those needs to be considered and for the appropriate actions to be taken (where practicable).

Although managers will take reasonable steps to try to accommodate requests, employees must understand that they have a responsibility to be reasonable when asking for time off or for other work adjustments to facilitate their religious observance so that the setting or Trust and colleagues are not unduly inconvenienced.

The Trust acknowledges that for some religious celebrations the date can fall on varying dates and at times the date of such events is only known the day before. This can mean there is limited notice which can be given to the academy. An example of this would be the late communication regarding the day on which Eid celebrations fall.

Gift Day

Staff covered by this policy are entitled to one and a half days paid leave per academic year to support their wellbeing. The timing of this is entirely at the discretion of the Head Teacher/ Manager and should be arranged well in advance (not less than 6 weeks). For part time staff whose working pattern is irregular, it is expected that any time adjustment that may be required will be made on a flexible basis. If not taken, then there is no facility to carry the day over to the next year. (see gift day policy)

Carers Leave (also in the Family Friendly Policy)

All employees are entitled to one week's unpaid leave in any 12-month period to provide or arrange care for a dependent with a long term care need. A "week" for these purposes will be equal in duration to the period you are normally expected to work in a week at the time of making the request. How that is calculated will depend on whether you have non-variable or variable hours of work.

A dependent is:

- your spouse, civil partner, child or parent;
 - someone who lives in the same household as you, otherwise than by reason of being your boarder, employee, lodger or tenant, or;
- anybody else who reasonably relies on you to provide or arrange their care.

38.2 A dependent has a long-term care need if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months,
- they have a disability for the purposes of the Equality Act 2010, or
- they require care for a reason connected with their old age.

38.3 The minimum period of carer's leave that can be taken at one time is half a working day, with the maximum period being one continuous week. Leave need not be taken on continuous days.

38.4 You must give notice of your request to take a period of carer's leave. This can relate to all or part of the leave to which you are entitled. The notice must:

- Specify that you are entitled to take carer's leave;
- Specify the days on which you would like to take carer's leave and if you will take a full or a half day; and
- Be given with at least three days' notice for one half/full/1.5 day of leave. Or, for 2 or more days' leave, with at least double the length of notice to the time you want off.

The notice does not need to be in writing, but it would be helpful if it was in order to maintain an accurate record of what is being requested.

The school may, in our absolute discretion, waive the notice length requirement above, and as long as the other requirements are met, the request will be treated as one for carer's leave.

38.5 If the school reasonably considers that the operation of the business would be unduly disrupted if your request was granted, we may postpone the start of the carer's leave after consulting with you to agree an alternative date(s) which is/are as soon as practically possible but no later than one month after the earliest day or half day of the request. In these circumstances, the school will give written notice to you of the postponement, setting out the reason for the postponement and the agreed dates you can take the leave. This notice will be given no later than the earlier of: (a) seven days after your notice was given to the school, or (b) before the earliest day or half day requested in your notice.

Asking for Leave

Requests for time off should be made in writing using the form in this policy, to the Headteacher. In normal circumstances at least 6 weeks' notice is required and where the date(s) required is (are) known in advance, employees should aim to provide as much notice as is reasonably practicable. However, in exceptional circumstances the headteacher has discretion to approve requests where it hasn't been possible to give 6 weeks' notice.

In an emergency or compassionate situation, communication with an employee's Headteacher is an

important consideration. It is recognised that, in an emergency situation, it may not be possible for an employee to speak to their Headteacher before they leave work. However the employee should speak to their Headteacher 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.

Time off and Pay

At the discretion of the Head Teacher, up to five days (pro-rata for part time staff) of paid leave in an academic year may be approved within the remit of this policy. This will apply to situations which fall into urgent family distress time off for dependents or compassionate leave etc. The gift day is in addition to this discretionary entitlement.

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 impacts.

TIME OFF FOR PUBLIC DUTIES

This covers time off for:

- Public duties
- Courts – justice of the peace (JP), jury service, witness
- Reserve forces and peace-time emergencies
- Elections
- Representative sport

The Trust allows employees to take time off for the public duties detailed within this policy document in accordance with the guidelines given.

Where an allowance is claimable for loss of earnings, employees should claim and pay the allowance to the Trust. All absences will be subject to service needs and must be agreed in advance by the employee's manager.

Amount of time off for public duties

1 Justice of the peace (JP) or member of a local authority:

- up to 18 days or 36 half days paid leave – which may be 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, which must be taken as full or half days, i.e. may not be calculated on an hourly basis.

2 For other public duties listed in the Employment Rights Act 1996 which do not include duties as a JP or member of a local authority:

- 9 full days or 18 half days with pay which may be calculated on an hourly basis, subject to the

total number of hours taken not exceeding the hourly equivalent of 9 days;

and

- 9 full days or 18 half days without pay, which must be taken as full or half days i.e. may not be calculated on an hourly basis.

Those employees who are eligible to claim under both of the above schemes may only claim up to 208 hours in total.

or

- 3 For other public activities listed below, recognised by the Trust but not specified in the legislation, up to 35 full days or 70 half days with pay can be given. Agreed leave should be taken on a full day or half day basis, i.e. may not be calculated on an hourly basis.

- member of a non-political organisation on a list approved by the Trust, whose principal objectives include the improvement of the standards of local government services but whose objects do not include the remuneration, status, conditions of service or conditions of employment of employees
- member of a committee or panel or similar body appointed by a Minister or local authority association
- co-opted member of a committee or sub-committee of a local authority (as defined in the Local Government Act 1972)
- a Lady Mayoress or Escort of the Chair of a district council
- examiner for a university, college or other examining board or body *
- occasional lecturer on subjects appertaining to the local government service *

- * Examiners and lecturers are allowed to keep any fees received from the appropriate bodies in respect of these duties.

Public duties – Schools

The Trust's scheme for time off for public duties is a collective agreement and applies to all employees in schools. Approval of time off, arrangements for cover and monitoring are matters for the Local Governing Board. Cover for any time off granted will be paid from the school's allocated budget.

How to apply

An employee should write to their manager to apply.

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.

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 employer who will then make arrangements for the 'loss of earnings payment' to be reclaimed. 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.

RESERVE FORCES

Mobilisation

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 employer on an individual basis.

Training

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 employee 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 for this absence.

Annual camp

Employees in the Territorial Army and Volunteer Reserve who are required to attend annual camp are allowed the two weeks as additional leave with pay.

Peace – Time Emergencies

Employees who are called upon to assist at a peace-time emergency under emergency planning schemes (e.g. scientific advisers, members of Red Cross or St. John Ambulance) will be granted leave of absence with pay for such duty.

POLITICAL ELECTIONS

Elections / National Political Referendum - assisting at the poll/count

Employees may be granted paid leave to assist in the poll or the count at elections or for a national political referendum. All absences of this nature are subject to service needs and must be agreed in advance with the employee's manager. For anyone currently in a post classed as Politically Restricted, reference should be made to the guidance regarding Politically Restricted Posts in the Local Government and Housing Act 1989 as amended from time to time.

Candidates – local elections

One day's leave of absence without pay (the polling day) will be granted to an employee who contests a local election

Candidates – Parliamentary and European elections

Employees who stand as candidates at a General Election or a European Election will be granted leave of absence without pay for the period from nomination day to polling day inclusive.

Parliamentary Agents

Leave of absence without pay from nomination day to polling day inclusive will be granted to employees acting as Parliamentary Agents.

Party Political Conferences

Leave of absence is **not** granted to employees to enable them to attend party political conferences.

Roles and responsibilities

Employees are responsible for:

- Ensuring that public duties undertaken do not conflict with the work of, nor draw into question, their loyalty to the Trust; and
- Submitting applications for time off in the prescribed manner, and for claiming loss of earnings allowances wherever possible.

Managers are responsible for:

- considering applications for time off for public duties in accordance with service and legal requirements and within the policies set by the employer; and
- completing the relevant payroll form, and submitting this to the payroll provider for processing.

REQUEST FOR DISCRETIONARY LEAVE FORM**Appendix 1****POLICY STATEMENT**

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APPLICANT _____

REASON FOR LEAVE

✓	PAID/UNPAID REQUEST
	Urgent Domestic / Other Distress to enable staff to deal with unexpected / sudden problem e.g. Flooding / burglary, sudden illness of dependent
	Time off for Dependents (partner / child / parent / non-immediate family member who lives with employee)
	Compassionate Leave for funeral attendance
	Gift Day
	Time off for Medical Appointments
	Religious Observance

✓	UNPAID REQUEST
	Other
✓	REQUEST FOR CHANGE OF SHIFT PATTERN
	e.g. PT to switch day, make-up time at alternative date

DATE(S) OF LEAVE REQUESTED _____

AMOUNT OF LEAVE (hours / days) _____ TIMES (from/to for appointments)

DETAILS OF LEAVE

SIGNED

(employee)

DATE

OFFICE USE ONLY

Number of days leave granted with pay		Number of days leave granted without pay		Leave refused	
Head / Deputy Head signature				Date	

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Do you still want this out of the policy?
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