



# Time Off Policy

## All Endeavour Multi Academy Trust's Schools

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## **Policy Statement**

Endeavour Multi Academy Trust recognises its statutory duties to allow employees a reasonable amount of time off work, and this policy provides a framework for managers to ensure consistency when dealing with an employee's request for time off.

This policy goes beyond the basic rights by allowing for paid, as well as unpaid, leave depending on the situation.

## **Who the Policy Covers**

This policy applies to all employees of the Trust, regardless of length of service and employment status, e.g. fixed term, permanent, temporary (unless otherwise specifically stated), but does not form part of the contract of employment and can be varied from time to time and in full consultation with the recognised trade unions.

## **Policy Principles**

Compassionate and emergency leave is intended for urgent or serious situations that employees are unable to plan for. Holiday entitlement or other types of leave should be used where employees need time off work for commitments that can be planned ahead.

As emergency leave is in place to cover unplanned events, the absence will begin as soon as the employee needs it. Where compassionate leave has been agreed the absence should begin as soon as the employee needs it.

There is no limit as to how many times an employee can take emergency time off for dependants and an employee is allowed to take a reasonable amount of time off to deal with the emergency. There are no set limits as it depends on the facts of each situation.

### **The following definitions apply:**

- Dependants cover 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. Dependants do not normally include individuals who live in the same household but under a commercial arrangement such as a tenant, boarder, lodger or employee.
- Family covers the employee's wider family such as cousins, aunts, uncles or a partner who no longer lives in the same household.

With regards to time off for public duties, the Trust encourages and supports contribution to the wider community and society. Making a contribution to the community also provides opportunities for personal development, enables an interchange of ideas, supports the Trust's values and enriches the community and society in which we live.

## **Policy Provisions**

### **Compassionate Leave (Paid)**

Compassionate leave may be granted in certain circumstances of urgent domestic distress.

An employee can request to take up to five days paid absence (pro-rated for part time employees) where a dependant (as defined above) dies, is seriously injured or unexpectedly falls seriously ill. Any time off includes time to organise and attend funerals.

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

Time off may also be granted for attendance at funerals of people other than dependants (for example – work colleagues).

### **Parental Bereavement Leave**

Parental Bereavement Leave is time off following:

- The Death of a child if they die under the age of 18
- A child who is still born after 24 weeks pregnancy
- An abortion after 24 weeks – in very limited circumstances an abortion can take place after 24 weeks if the mother's life is at risk or the child would be born with a severe disability

Eligible parents have a right to 2 weeks of:

- Statutory parental bereavement leave, if they're an employee
- Statutory parental bereavement pay, if they're an employee or a worker

This right applies to the:

- birth parent
- natural parent (the person who gave birth to the child who has since been adopted, but has a court order to allow them to continue having access to the child)
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

Employees have the right to Statutory Parental Bereavement Leave from the day they start their job. There is however a qualifying period for statutory parental bereavement pay. Statutory parental bereavement leave can be taken in the 56 weeks following their child's death.

As well as statutory parental bereavement leave, an employee might be able to take maternity, parental adoption or shared parental leave for the child who has died, or another child they have had.

### **Taking Parental Bereavement Leave**

You must provide notice to take parental bereavement leave which includes the following information:

- Date of child's death;
- Date on which you intend parental bereavement leave to commence; and
- Whether you are taking one or two weeks.

If you begin parental bereavement leave within 56 days beginning with the date of the child's death, notice must be provided:

- Before commencing work on the first day of absence for parental bereavement leave in that week;  
or
- As soon as is reasonably practicable

Notice can be in the form of a phone call or email to your line manager.

If you begin parental bereavement leave after 56 days of the child's death (but within 56 weeks), you must give at least one week's notice of your intention to take parental bereavement leave.

### **Cancelling Parental Bereavement Leave**

If you have asked to begin parental bereavement leave within the first 56 days of the date of the child's death, you can cancel the leave, as long as you inform your line manager before the commencement of the parental bereavement leave.

If you have asked to begin parental bereavement leave more than 56 days after the child's death, you can cancel the leave by giving your line manager at least one week's notice.

You cannot cancel parental bereavement leave that has already commenced.

### **Commencement of Other Statutory Leave**

If you have commenced a period of parental bereavement leave and before it is due to end, you begin another period of statutory leave e.g. maternity or paternity leave, the parental bereavement leave ends immediately before the start of the other period of statutory leave. Any remaining entitlement to parental bereavement leave may be taken:

- After the end of the other statutory period of leave (but within the permitted period for bereavement leave); and
- Must be taken in a single consecutive period.

You should inform your line manager when you intend to take the remaining period of parental bereavement leave giving notice as set out in the section, taking parental bereavement leave. Where any remaining entitlement to bereavement leave includes part of a week as a result of another period of statutory leave commencing, it will be deemed to be a week for the purpose of notice requirements.

### **Parental Bereavement Leave Pay**

Recognising the need to provide bereaved parents with support, we will continue to pay normal pay during parental bereavement leave.

### **Rights during parental bereavement leave**

During parental bereavement leave, all terms and conditions of your employment will continue.

### **Returning to work following parental bereavement leave**

You have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (e.g. maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

You are entitled to return to another job that is suitable and appropriate for you, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to most other periods of statutory leave taken in relation to the same child; and
- it is not reasonably practicable to return you to the same job.

### **Religious Holidays**

All requests for time off will be considered carefully and sympathetically. There is no automatic right to time off to observe religious holidays and the Equality Act 2010 protects both individuals with a religion or belief and those without a religion or belief.

All employees, whatever their religion or belief, will be treated equally in this respect and time off and annual leave requests should be submitted for approval in the usual way.

### **Time off for medical appointments**

Where appointment times are determined by the hospital, and it is not possible for the employee to specify the date and time of the appointment, time off will be granted at the discretion of the Trust.

The employee should give their line manager as much notice as possible to allow for any changes to rota/working patterns to be put in place.

### **Elective/ Cosmetic Surgery**

Elective surgery is surgery that is not considered to be medically necessary. This includes cosmetic surgery, which is concerned with the enhancement of appearance through surgical and medical techniques. This type of elective surgery should not be classed as sick leave and paid time off will not be applicable, unless the employee is undergoing elective surgery at a doctor's recommendation in which case the normal provisions for hospital appointments will apply. Any subsequent sickness absence due to the effects of treatment eg a complication following surgery, will be classed as sick leave and normal sick pay provisions will apply. All requests for time off will be looked at on an individual case by case basis and the Trust will seek HR guidance if required before any final decision is made.

### **Gender Reassignment**

The Equality Act 2010 protects anyone who proposes to start, starts or has completed a process to change their gender from discrimination.

Any time off an individual needs because of gender reassignment issues, such as counselling, advice or surgery is protected under the Equality Act and will be treated in the same way as absence because of sickness.

It is recognised that the transition process and the time it takes will be unique to each individual and once an employee confirms that they are starting, or have started, the process of transitioning a confidential action plan will be agreed to manage their transition at work and any time off which is required. A suitable manager will be agreed with the employee to support them through this process.

### **Time Off for Emergencies (Unpaid) –Dependants Leave**

An employee might find that they have to deal with an emergency concerning a dependant for which they need to be absent from work, but for which paid leave is not available. The Trust will grant a reasonable amount of unpaid leave to deal with these emergencies.

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 Manager will need to consider each situation individually):

- an employee is required to make care arrangements when a dependant falls ill, is injured or is assaulted
- a dependant 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 dependant
- 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

### **Carer's Leave (Unpaid)**

An employee may find that they need to deal with a long-term care need for a dependant for which they may need to be absent from work, but for which paid leave is not available. 'Long-term care need' is defined as an illness or injury (either physical or mental) that requires or is likely to require care for more than three months, a disability under the Equality Act 2010, or connected to care required as an elderly person.

The Trust will grant up to 1 week (pro rata for part time members of staff) of unpaid leave in an academic year, this can be taken as full or half days.

In order to ensure 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 Manager will need to consider each situation individually):

- Providing personal support/keeping an eye out for someone and keeping them company
- Providing practical support e.g. making meals, doing their shopping, laundry and other help around the house
- Helping with any official or financial matters

- Providing personal and or medical care
- Making any arrangements they may well need e.g. dealing with social services, moving someone into a care home, making home adjustments.

### **Asking for Leave**

In an emergency or compassionate situation, communication with an employee's 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 manager before they leave work. However, the employee should speak to their 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 dependant has a longer-term hospitalisation).

In these circumstances, if the employee has utilised the carer's leave provision, careful consideration should be given to other provisions available to assist employees such as annual leave, flexitime, and unpaid leave or work breaks.

### **Fertility Treatment**

#### **Eligibility**

In order to qualify for time off under this policy for fertility treatment, an employee must have a minimum of 12 month's continuous service.

#### **Time Off**

It is the policy of the Trust to grant up to five days paid leave in any academic year for fertility treatment. The leave will be paid at the employee's normal rate of basic pay. This entitlement also applies to an employee whose partner is undergoing fertility treatment, providing they meet the eligibility requirements.

If the employee requires further time off beyond the number of days permitted by this policy, this may be granted at the discretion of the CEO/Headteacher but may be unpaid.

#### **Effects of the treatment**

If the effects of the fertility treatment incapacitate the employee and they are unable to attend work, this will be 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.

## **Application Process**

An employee who wishes to take advantage of this provision must:

- inform their line manager as soon as plans to undergo fertility treatment have been confirmed.
- produce an appointment card for each occasion on which leave is requested.
- try to arrange appointments at times of the day that will cause least disruption.
- give as much notice as possible of the days on which leave is required.

Applications for leave should be made in writing to the CEO/Headteacher as appropriate and the specified documentation must be provided.

Once an employee reaches the embryo transfer stage, they should be treated as pregnant.

## **Work/Career Break**

The 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, recover from a long-term illness or voluntary work.

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 manager.

## **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 manager.

(\*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 Capability or Managing Attendance at Work 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 Work Break**

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 endeavours to find a suitable alternative role. If this is not possible, normal redeployment and consultation arrangements will be adhered to.

When deciding whether to agree to a work break, the manager 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 the 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 manager 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 manager 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 manager 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.)

## **How to Apply**

If an individual wishes to take a work break they will be required to discuss this initially with their manager on an informal basis, then submit an application.

In considering whether to agree to a work break, the relevant manager 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 manager and the employee and signed by both parties.

## **Other Considerations**

For employees who are essential car users or who have a lease car, taking time off on a work break may reduce their business mileage and so could affect the terms of their car agreement. These employees should speak to the Car Leasing Manager (Fleet Management) to understand what impact it will have.

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.

## **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 of the employee's manager.

Amount of time off for public duties

1 Justice of the peace (JP) (lay magistrate) 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 full days 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 improvement of the standards of local government services but whose objects do not include remuneration, status, conditions of service or conditions of employment of employees
- member of 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.

### **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. This means that the employee will receive their normal pay and will not be able to make a claim to the court for loss of earnings.

Where an employee is not required at court for a half day or full day, they should return to their workplace. If they do not, this will be considered an unauthorised absence and will be unpaid.

### **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 Senior Leadership Team 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 updated by the Local Democracy, Economic Development and Construction Act 2009.

### **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.

## **Representative Sport**

SLT members/Local Governing Boards have discretion to grant leave with or without pay to employees who are selected to represent their county or country in representative sport. If it is a “professional” sport, leave will be without pay.

## **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 Endeavour Multi Academy Trust; and
- Submitting applications for time off by completing the Leave Request form, 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 process.

## **Any other type of Non-illness Absence**

It is recognised that not every possible type of absence is covered in this policy. Staff with other such requests should approach the Headteacher or Bursar in the first instance to seek advice.

## **Notes**

### **1. How will unpaid leave be deducted?**

ALL unpaid leave will be deducted according to how much time is spent out of school irrespective of role, teaching commitments etc

## **2. Requests for Absence**

All personal absences must be requested via the Leave Request Form (located in the staffroom), giving as much notice as possible. Staff must never make private arrangements for cover without discussing the situation first with the Headteacher.

### **Cross References**

This policy should be read in conjunction with the following policies:

- Annual Leave
- Flexible Working Policy