



# **Discretionary Leave Policy**

**Approved by: The Trust Board**

**To be reviewed: December 2021**

## 1. Statement of Intent

The trustees of The Manor Trust and the local governing bodies within it recognise the importance of consistency, openness and equality in responding to requests from staff for special leave of absence for family and personal reasons or in order to fulfil professional duties other than those immediately related to employment.

This policy recognises:

- Employees' statutory entitlement to take time off in certain circumstances
- National and local agreements recognised by the schools
- Best practice, which seeks to maintain good working relationships between staff and management
- The operational needs of each of the schools

It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence to be reasonably and fairly handled whilst recognising that the operational needs of the school and education of the students are a priority and there may be times when a request for leave will be refused. Consideration will be given to general attendance and conduct when making a decision as to whether leave will be authorised/paid or unpaid.

There may be occasions when circumstances arise which are not specifically identified in this policy. The decision regarding granting leave of absence in such cases falls to the discretion of the headteacher or chair of governors, as appropriate.

**Leave is calculated over a twelve month period which for the purpose of this policy is the previous rolling twelve months from any date of absence.**

**Leave covered under this policy includes, but is not limited to:**

- Time off for dependants/sick children - up to five days' leave per year; any other requests are considered at the discretion of the headteacher
- Leave to attend significant events - up to three days' leave in one episode
- Religious festivals - One day's leave per year may be granted at the discretion of the headteacher
- Job interviews and induction days - paid leave for up to two interviews and one induction day per year
- Examination duties - paid leave may be taken – see additional information
- Jury service - leave may be requested
- Moving house - one day's paid leave per year
- Medical and dental - at the discretion of the headteacher; staff are expected to make appointments in their own time
- Antenatal - paid time off for mother and restricted paid time for fathers/partners
- Trade union/professional association - leave will be granted as per the ACAS code of practice
- Other leave not covered - to be discussed with the headteacher
- Compassionate leave - see section 10

A maximum of five days' leave accumulated under any category will be granted as leave in one rolling twelve-month period except in exceptional circumstances. Staff will then **not be entitled to paid leave** where pay is not a statutory right, for example: jury service, antenatal appointments. Compassionate leave for funerals of close family relatives is not taken into consideration in this instance.

## **2. Time Off For Dependants**

The Employment Rights Act 1996 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants. Leave may be granted for up to 5 days per period at the discretion of the headteacher.

What constitutes a reasonable amount of time off is not specified by the legislation and will depend upon individual circumstances, such as:

- the nature of the incident
- the closeness and level of dependency in the relationship
- the availability of anyone else to help with the situation

Whilst there is no legal restriction on the number of occasions upon which an employee can exercise this right, the amount of time off taken is nevertheless subject to a consideration of what is reasonable in each circumstance. In most cases, a few hours or a day will suffice to deal with the immediate emergency.

For the purposes of this right, a dependant is an employee's spouse, civil partner, child or parent or another person who lives in the same house as the employee (other than as a tenant, boarder, lodger or employee). In addition, it includes anyone who reasonably relies on the employee for assistance or to make arrangements for care when that person falls ill or is injured or assaulted, and anyone who relies on the employee to arrange the provision of care.

Members of staff seeking to exercise their right to time off are requested to notify their line manager of their absence and its likely duration as soon as possible. Wherever possible, notification should be given before the absence is taken.

Circumstances when an employee may take time off are:

- If a dependant falls ill, or has been injured or assaulted
- When a dependant is having a baby
- To make longer term care arrangements for a dependant who is ill or injured (see also Section 4, 'Care of Sick Children')
- To deal with the death of a dependant
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant
- To deal with an incident involving the employee's child during school hours (see also Section 4, 'Care of Sick Children')

## **3. Care of Sick Children**

The Trust recognises that it can be difficult for working parents and guardians to respond to the need to care for their own children when they become unwell during working hours. Members of staff have a statutory right to unpaid time off to make arrangements for the care of a dependant. It is important, however, to understand that this entitlement is only to take time off to make arrangements for the care of a child, not to provide that care personally. It should not, therefore, normally be necessary to take more than a part or

whole day off work on each occasion. There is no contractual or statutory entitlement to take time off to provide direct care for a sick child and it is therefore important that working parents give advance consideration to what arrangements they can put in place to care for sick children at short notice. In exceptional circumstances, where other care arrangements cannot be made, the headteacher may agree that a member of staff can take paid leave to care for a sick child. See Section 2, Time off for Dependents for rights to paid or unpaid leave in this instance.

#### **4. Leave to Attend Significant Events**

The Trust recognises that, from time to time, staff may have the opportunity to attend a significant social event during term time. Evidence of the event and travel arrangements may be requested. Examples might include:

- Graduation ceremony for a son or daughter
- Wedding of a close family member

Support staff who are employed all year round have an annual leave entitlement and may therefore request paid annual leave for such events. Teachers and term time only staff are not able to take annual leave during term time. In such cases, the following policy will apply:

- *A maximum of three days' leave per occasion and a maximum of one occasion per period*
- *The leave will be paid or unpaid at the discretion of the headteacher taking attendance, conduct and cumulative discretionary leave already taken over the given period*

All staff must seek the express permission of the headteacher for leave in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the headteacher will need to refuse a request for leave.

#### **5. Religious Festivals**

Members of staff who wish to attend significant religious festivals which fall during school term time may request to take leave to attend the festival. Requests for such leave must be made to the relevant headteacher as early as possible in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the headteacher will need to refuse a request.

One day may be granted and it will be at the headteacher's discretion as to whether it will be paid or unpaid depending on each individual circumstance.

#### **6. Job Interviews and Induction Days**

All members of staff may take a reasonable amount of leave to attend selection interviews for jobs. Requests to take leave to attend an interview must be made to the relevant headteacher in advance of the event. In considering whether the request can be granted, paid or unpaid, the headteacher will take into account:

- The operational needs of the school
- The amount of time off requested

- The number of paid days (or part days) of leave already granted for interviews in the previous 12 months

## **7. Other Leave**

### **7.1 Examination Duties**

Teaching staff undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained within Appendix 2 of the *Conditions of Service for School Teachers in England and Wales* ('Burgundy Book'). Should staff receive payment from the external exam board a contribution must be made to the school towards the cost of cover for those hours.

### **7.2 Jury Service**

Employees may request leave to undertake jury service and should inform the school as soon as possible after receiving the summons. The Trust will make up the difference between the loss of earnings allowance which may be claimed from the court and the employee's normal pay. The employee is responsible for claiming the allowance and an equivalent amount will be deducted from the employee's salary.

### **7.3 Moving House**

Members of staff are encouraged, wherever possible, to move house during one of the school closure periods which occur throughout the year. Where this proves impossible, the relevant headteacher has the discretion to grant members of staff one day of paid leave in order to move house. In considering such requests, the headteacher may ask for supporting evidence to demonstrate why the move must take place during term time.

### **7.4 Medical and Dental Appointments**

Employees are expected to make medical and dental appointments outside normal working hours and, with routine appointments, this should usually be possible. Where the appointment is urgent or for the purpose of being screened for a serious medical condition, paid time off to attend will be granted at the discretion of the relevant headteacher, from whom permission must be sought in advance.

#### **Evidence of all appointments must be provided.**

The same provisions will apply where an employee is seeking time off work to accompany a dependant to a medical or dental appointment, although it is expected that in such circumstances time off will usually be unpaid or must be made up at another time.

Where an ongoing series of medical appointments has been requested, the relevant headteacher will have discretion to determine whether they will be paid or unpaid dependant on individual circumstances.

### **7.5 Antenatal Appointments**

All pregnant employees have the right to take paid time off to attend antenatal appointments. Except in respect of the initial appointment, evidence of appointments must be provided if requested by the relevant headteacher or employee's line manager.

Prospective fathers/partners of pregnant women may take paid time off to attend to accompany her to up to two antenatal appointments, subject to a maximum limit of 6.5 hours per appointment. Such employees may be required to complete a form declaring their eligibility. Unpaid time off to attend further appointments may be requested and will be at the discretion of the relevant headteacher.

## 7.6 Trade Union/Professional Association Duties and Activities

Staff undertaking duties or attending activities in relation to their membership or role within a recognised trade union will be granted time off in accordance with any locally agreed facilities agreement in place at the time of the request, taking into account the provisions of the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

## 7.7 Other Leave Not Covered

If an employee wishes to request time off for a form of leave not covered in this policy, he/she should speak to the relevant headteacher explaining the circumstances, including when, and for how long, he/she wishes to take leave. In considering whether or not to grant the request and whether it should be paid or unpaid, the line manager and/or headteacher will bear in mind any statutory provision, local or national agreement recognised by the Trust in relation to the particular leave request, as well as custom and practice, if any, relating to similar circumstances. Ultimately, unless there are particular provisions to which the Trust is required to adhere, the leave will be granted at the discretion of the headteacher or chair of governors, bearing in mind the operational needs of the school. This is likely to be unpaid.

In exceptional circumstances the headteacher may grant authorisation for staff to work additional hours/toil rather than take unpaid leave.

## 8. Abuse of Time Off and Unauthorised Leave

Whilst the Trust's approach is to endeavour to grant discretionary leave in line with this policy where the request is reasonable and it is operationally feasible to do so, employees should be aware that taking unauthorised leave (such as taking leave which has previously been refused) or making a dishonest request for leave (for example by requesting leave for false reasons) will be treated as a serious disciplinary matter potentially leading to dismissal for gross misconduct.

Failure to follow the correct procedure or abuse of this policy will be dealt with under the Disciplinary Policy.

## 10. Compassionate Leave

There is no specific statutory right to claim time off work, whether paid or unpaid, on compassionate grounds (except in those circumstances covered by 'Time Off for Dependants', Section 2). The relevant headteacher, or chair of governors in the case of the headteacher's own circumstances, may, at their discretion, grant special leave of absence (with or without pay) depending on the circumstances of the case.

In considering requests, the headteacher will take account of the reason for the request, the likely duration of absence, the employee's length of service, the impact of refusing a request and what cover arrangements can be made for the absence. The following will be used as a guideline, but is not intended to represent a minimum or maximum contractual entitlement:

Sudden, serious illness of near relative, spouse or child	Up to five days' paid leave
Death of a near relative, spouse, partner or child	Up to three days' paid leave
Funeral of a near relative, spouse, partner or child	One day of paid leave
Funeral of other relatives, friends or colleagues	One day of unpaid leave

## **11. Data Protection**

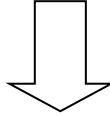
When an employee makes a request to his/her line manager for time off under this special leave policy, personal data collected will be processed in accordance with the relevant School's data protection policy. In particular, only the personal information required to deal with the employee's request for time off should be recorded and this information kept only for as long as necessary to deal with the request.

## **12. Status of Policy and Review**

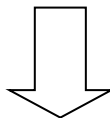
The content and operation of this policy is reviewed on a regular basis by the trust board. The policy is discretionary and does not confer any contractual rights.

## **Appendix 1: Process for Requesting Leave – Norbury Manor**

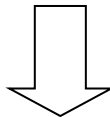
**All leave should be requested at least five working days in advance. Non-urgent appointments must be arranged after school/within closure periods. Please check Appendix 2 for key dates when leave/training will not be authorised.**



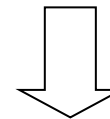
**Speak to Cover Manager re: cover already required that day**



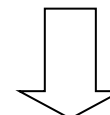
**Download or request form from HR, complete and obtain SLT Authorisation**



**Submit to headteacher for authorisation/HR to confirm to Cover Manager**



**Appointments/arrangements can be booked once authorisation is confirmed**



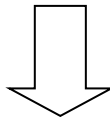
**Inform department of leave and make cover arrangements**

**Payroll will be notified of any unpaid leave which will be confirmed in writing and deducted from your salary in the month of the leave being taken.**

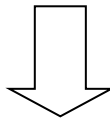


## **Appendix 2: Process for Requesting Leave – Kensington Avenue Primary School (KAPS)**

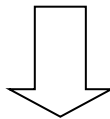
**All leave should be requested at least five working days in advance. Non-urgent appointments must be arranged after school/within closure periods. If insufficient notice is given leave may not be granted. There may be key dates when leave/training will not be authorised.**



**Speak to line manager re: cover already required that day**

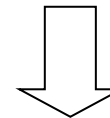


**Complete request form from HR, complete and agree cover required**

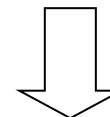


**Submit to headteacher for authorisation**

**Decisions may take up to two working days to be confirmed**



**Appointments/arrangements can be booked once authorisation is confirmed**



**Inform school diary and ensure cover arrangements are in place**

**Payroll will be notified of any unpaid leave which will be confirmed in writing and deducted from your salary in the month of the leave being taken.**

## Appendix 3

### Appendix 3: Norbury Manor key dates

We have identified key dates in the year when a number of staff will be out of lessons and therefore no cover will be available. No trips, training or leave should be requested on these dates. Only emergency or statutory leave will be authorised (please refer to the Discretionary Leave Policy).

#### Norbury Manor

11 <sup>th</sup> September	School photos
17 <sup>th</sup> September	Meet the Tutor Day
30 <sup>th</sup> September	Open morning
1 <sup>st</sup> October	Open morning
2 <sup>nd</sup> October	Harvest
17 <sup>th</sup> October	Middle Leader Training
30 <sup>th</sup> October	Deep Learning Day
5 <sup>th</sup> November	Middle Leader Training
3 <sup>rd</sup> December	Middle Leader Training and concert rehearsals
5 <sup>th</sup> and 6 <sup>th</sup> December	Art mocks
11 <sup>th</sup> to 20 <sup>th</sup> November	Year 11 mocks – avoid if possible
28 <sup>th</sup> & 29 <sup>th</sup> November	Textiles mock
2 <sup>nd</sup> December	Drama mock
17 <sup>th</sup> December	Church services
19 <sup>th</sup> December	CC and fun afternoon
13 <sup>th</sup> to 17 <sup>th</sup> January	Year 12 mocks - avoid if possible
24 <sup>th</sup> January	PE mock
28 <sup>th</sup> January	Deep Learning Day
4 <sup>th</sup> May	Deep Learning Day
5 <sup>th</sup> May	Leavers assembly
11 <sup>th</sup> May	Exams start
18 <sup>th</sup> & 19 <sup>th</sup> May	Drama exam
22 <sup>nd</sup> May	Eid(?)
17 <sup>th</sup> June	Sports day
2 <sup>nd</sup> July	Induction day - sixth form
3 <sup>rd</sup> July	Induction day - year 6 students

### Appendix 3

9 <sup>th</sup> July	Thorpe Park reward trip
7 <sup>th</sup> and 8 <sup>th</sup> July	Concert and rehearsals
15 <sup>th</sup> and 16 <sup>th</sup> July	Achievement assemblies

In addition, staff are expected to be in school/return to school for after-school twilight sessions on the **3<sup>rd</sup> October, 21<sup>st</sup> November, 16<sup>th</sup> January, 18<sup>th</sup> June** and parents' evenings on the **11<sup>th</sup> December, 29 January, 5<sup>th</sup> February, 4<sup>th</sup> March, 25<sup>th</sup> March, 29<sup>th</sup> April and 24<sup>th</sup> June.**

All staff should be in school on the INSET days for CPD (**25<sup>th</sup> September and 22<sup>nd</sup> November**) unless agreed by the senior leadership team (SLT)