

Time Off Policy (Staffordshire Schools)

Signed:

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1. 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.

Collective Vision Trust (CVT), 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 time off.

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 and work breaks.

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

2. 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 in full consultation with the recognised trade unions. The procedure does not apply once an employee has left the employment of CVT.

This policy does not apply to agency workers.

3. 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" 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. Dependants 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.

With regards to time off for **public duties**, CVT 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 CVT's values and enriches the community and society in which we live.

4. 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. Such 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).

NB: Where a parent experiences bereavement of a child (under 18 years old) separate arrangements apply (see below section 5.3 Parental Bereavement Leave)

- **Time Off for Emergencies (unpaid)**

An employee might find that they have to deal with an emergency, unexpected or sudden issue, concerning a dependant for which they need to be absent from work, but for which paid leave is not available under any of CVT's schemes. CVT 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.

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.

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 and arrangements.

- **Carers Leave (unpaid)**

This type of leave is for planned or foreseen caring commitments.

Employees who are a carer for a dependent (using the definitions of section 3) who has 'long term care needs' are entitled to take up to 1 week's leave, i.e. 5 working days (pro rata for part time staff) every 12 months (a rolling 12-month period) to provide or arrange care. This is a maximum entitlement regardless of the number of dependents the employee has.

For clarity, "long term care needs" means the dependent has an illness or injury (whether physical or mental) that requires (or is likely to require) care for more than three months, or they have a disability or they require care for a reason connected with their old age.

Examples of caring activities could include: providing personal support/care, helping them with official matters (such as financial or medical appointments), practical support, such as picking up prescriptions/shopping or making adaptations at home.

Carers leave is unpaid and can be taken as half days, full days or in a block of your normal working week. The required notice period is either twice as many days as the period of leave required, or 3 days, whichever is greater. Evidence of why the leave is needed will not be required, e.g. such as appointment card. To request leave, employees should request it in the usual way, confirming to their manager that they are entitled to take carers leave and the day on which the carers leave will be taken.

A manager may postpone the request where they reasonably consider that the operation of the business would be unduly disrupted if it allowed the employee to take the leave during the requested period. If this does happen, the manager will allow employees, to take the requested leave within a month and will give written notice within seven days of the initial request setting out the reason for the postponement and the agreed dates on which leave can be taken. Employees can cancel requested leave that is not yet taken.

Carers leave is not available for general childcare, unless the child meets the definition of dependent with long-term care need.

- **Parental Bereavement Leave**

Since April 2020 parents who lose a child before they turn 18, or if they have a stillbirth after 24 weeks of pregnancy, are entitled to two weeks statutory leave. This leave is an entitlement for all employees regardless of their length of service.

Where a parent suffers a still birth after 24 weeks of pregnancy additional entitlements to maternity/paternity leave apply.

The legislation covers birth parents, adoptive parents, intended parents under a surrogacy arrangement, the partner of a bereaved parent and a person who lived with the child and had day to day responsibility for them, for at least 4 weeks before they died.

The leave may be taken either as a single period or as two separate weeks at any time during the period of 56 weeks from the date of the child's death. Where a parent intends to take leave, they should inform their manager as soon as reasonably practicable of the dates of the intended leave. It is however acknowledged that due to the sensitive nature of this, the leave may need to be requested at short notice.

CVT recognises the difficult and sensitive nature of Parental Bereavement Leave and therefore any employee exercising their right to leave (regardless of length of service) will receive their full normal pay during this period.

Further advice on Parental Bereavement Leave can be obtained from your Head Teacher.

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.

In these circumstances careful consideration should be given to other provisions available to assist employees such as annual leave, flexitime, flexible working, unpaid leave or work breaks.

5. Work 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, study, recovery 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 work break procedure 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 the work break procedure also apply to those currently on maternity, adoption, paternity, parental bereavement leave 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 Sickness Absence 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 endeavors 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 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 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 their maternity leave who enters into a work break agreement has clearly indicated their 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.)

When the employee returns to work from a work break the manager should inform the Shared Service Centre of their return.

- **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**

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.

6. 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

CVT 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 CVT. 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 CVT 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 CVT, 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**

CVT'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 Headteacher. Cover for any time off granted will be paid from the school's allocated budget.

How to apply

An employee should apply in writing annually to the manager.

- **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 their manager 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 CVT 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.

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

Employees who stand as candidates at a General 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**

Headteachers 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 the CVT; 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.