

# Greenshaw Learning Trust

## Staff Additional Leave Procedure

**6 September 2017**

This Greenshaw Learning Trust Procedure applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the GLT Human Resources Policy. The Greenshaw Learning Trust, including all the schools and services within the Trust, their Trustees, governors and staff, must abide by this GLT Procedure.

The Greenshaw Learning Trust is the single employer of all staff within the Trust's schools and in its central services.

This Procedure sets out how the Trust will treat requests for additional leave with pay. Whilst decisions on additional leave will reflect the Trust's role as a caring and reasonable employer, additional leave requests will be balanced with the needs of the Trust and the impact on the education of students.

It is the responsibility of the local governing body and Headteacher of each school, and the Board of Trustees and Executive Headteacher for Trust central services, to ensure that their school/service and its staff adhere to this Procedure; in implementing this Procedure the local governing body, Headteacher and Trust staff must take account of any advice given to them by the GLT Head of HR the Executive Headteacher and/or Board of Trustees.

This Procedure is subject to the Scheme of Delegation approved for the school or service. If there is any ambiguity or conflict then the Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

If there is any question or doubt about the interpretation or implementation of this Procedure, the GLT Head of HR should be consulted.

### **Approval and review:**

This Procedure is the responsibility of the GLT Head of HR.

This Procedure was approved by the Board of Trustees on: 6 Sep 2017.

This Procedure is due for review by: September 2020.

This Procedure was approved following consultation with Trade Unions. It will be reviewed from time to time in full consultation with Trade Unions.

The Greenshaw Learning Trust is a charitable company limited by guarantee registered in England & Wales. Company number 7633694, registered office Greenshaw Learning Trust, Grennell Road, Sutton, Surrey, SM1 3DY.

# Additional Leave Procedure

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## 1. Introduction

This Procedure sets out how the Trust will treat requests for additional leave with pay.

Whilst decisions on additional leave will reflect the Trust's role as a caring and reasonable employer, additional leave requests will be balanced with the needs of the Trust and the impact on the education of students.

This Procedure recognises that by virtue of the nature of additional leave, rules cannot always be followed rigidly. Therefore an element of discretion will be applied in individual cases depending on the circumstances.

In determining additional leave, the Headteacher / Executive Headteacher will take into consideration all relevant factors, for example:

- Nature of the emergency.
- The relationship of the person to the employee.
- The employee's length of service.
- The employee's work record.
- The employee's attendance record.
- The amount of outstanding leave (if applicable).
- The possibility of unpaid leave.
- The possibility of using annual leave (if applicable).
- The possibility of making the time up (TOIL) (if applicable).

This policy applies to all employees. Where employees have protected enhanced terms under TUPE regulations the enhanced terms only will apply.

### 1.1 What is additional leave?

Additional leave allows employees to take periods of leave to cover certain situations and includes emergency leave for assisting dependants, pre-adoption leave, compassionate leave and public service leave. The basis of this leave is a combination of statutory, national and local provisions.

A summary of the types of leave covered by this policy can be found in Appendix A.

### 1.2 Who is entitled to additional leave?

All employees can apply for additional leave and there is no minimum service requirement.

### 1.3 Procedure for applying for additional leave

In schools, Headteachers have the responsibility to authorise additional leave, and will consider each individual case on its merits.

In the Trust central service, the Executive Headteacher or the Director of Resources have the responsibility to authorise additional leave, and will consider each individual case on its merits.

Except for exceptional circumstances and compassionate leave, authorisation for additional leave must be obtained beforehand from the Headteacher. A '**Leave of Absence Request**' form must be completed.

Leave of absence forms are available from the School Business Manager or the HR Manager. Except in cases of emergency *10 working days*' notice for leave is required. If leave is granted a copy of the request

will be placed in the employee's personal file. All unpaid leave granted will be monitored by HR who will notify the payroll provider accordingly.

However, this will be at the discretion of the Headteacher / Executive Headteacher. Each case will be considered on its merits along with the individual circumstances that may be involved. All entitlement to additional leave will be calculated on a pro rata basis for part-time staff, depending on the number of days/hours worked each week, and will be rounded up to the nearest whole number of days.

#### **1.4 When can additional leave be taken?**

All periods of additional leave granted, except compassionate leave, are calculated in a rolling 12 month period.

#### **2.0 Dependency leave**

Dependency leave is leave to deal with an unforeseen emergency involving a dependant to the employee.

The Headteacher / Executive Headteacher will consider each case on its merits and the individual circumstances which may be involved.

This time off is designed to cope with emergencies that cannot be postponed.

Employees may be granted leave with pay to look after a close relative in the event of serious illness. In the case of a serious illness of a relative, including an employee's own child, the number of days paid leave may be increased to 10 in any year.

Each request for further time off in excess of the 10 day period will then be considered on an individual case by case basis subject to the specific circumstances of the request and mindful of matters of consistency and fairness, and where granted, this additional time off may be granted with or without pay.

In this event, it may be appropriate to consider other flexible working arrangements which may be suitable and which may better support the member of staff's needs at that time.

Long term absences that require a number of absences will be treated as "one occasion". This provision will only be made when there is no other person/provider/carer available to look after the sick relative.

"Serious illness" is defined as that which makes it necessary for the employee to make urgent and special arrangements (e.g. following discharge from hospital), for the care of the relative.

If the outcome of the serious illness is such that the patient requires long term care, the Headteacher/Executive Headteacher may grant a reasonable period of unpaid leave.

The employee may be required to submit medical evidence in respect of the sick dependant, at whatever point the Headteacher/ Executive Headteacher feels appropriate.

There is also an expectation of shared care, if a child is involved and has both parents.

It is advised that requests to nurse a terminally sick child, relative or partner, close friend or companion should be treated with particular sympathy, granting paid leave of absence for a limited period in the first instance and reviewing the situation regularly.

#### **2.1 Definition of an unforeseen emergency**

An unforeseen emergency would include circumstances where an employee needs to:

- Care for a dependent, which includes any person who reasonably relies on the employee, with a disability, illness, or who is frail, injured or assaulted.
- Make longer term care arrangements for a mentally or physically sick or injured dependant; this could include settling a relative into a care home, or attending hospital with a child for a planned operation.
- Make childcare arrangements because their normal arrangements are withdrawn without notice.

The following would not be considered an unforeseen emergency:

- The child minder is on holiday.
- The children's school is shut for the holidays or INSET day.

### **3.0 Compassionate leave**

Compassionate leave supports employees during a particularly difficult period of time. A death in the family can be a difficult and emotional time and time off may be needed at short notice to grieve, or to deal with unforeseen matters and emergencies including having to make funeral arrangements.

- If the employee had primary caring responsibility for the deceased or has the main responsibility for making the funeral arrangements or if the deceased is a very close relative (father, mother, husband, wife, co –habitee, civil partner, child, brother, sister, foster parent) up to 5 days paid compassionate leave will be granted.
- Up to 1 day paid leave to attend the funeral following the death of a relative (aunt, uncle, relative in law, grandparent, grandchild or person in loco parentis to the employee or close friend) The Trust/school must be satisfied that this is reasonable given the employees relationship with the person. Additional travelling time may be also granted where applicable.

Each case will be considered on its merits and the individual circumstances which may be involved. Compassionate leave is not monitored and agreed as part of the rolling 12 month period.

### **4.0 Exceptional leave**

#### **4.1 Moving house**

Where it is not possible to arrange moving house during a school closure, one day's paid leave will usually be granted. Each case will be considered on its merits and the individual circumstances that may be involved.

#### **4.2 Religious Observance**

Where employees are active observers of any organised religion and they require leave for the purpose of a holy day, 1 day of paid leave will be granted. Any further leave will be unpaid and will be granted at the discretion of the Headteacher / Executive Headteacher and will be balanced with the needs of the school/Trust and the impact on the education of students.

#### **4.3 Hajj**

When considering requests for leave for Hajj. The Headteacher / Executive Headteacher need to be aware that all Muslims, if they are physically and financially able, must attend the Hajj. It is a once in a lifetime obligation that takes place in the twelfth month of the Islamic calendar. The request for leave may involve the employee being absent for a period of 5 or 6 weeks. This request needs long term planning and a great

deal of consideration will be required. Two days paid leave will be granted (This is not an additional two days leave) and the rest of the absence will be unpaid.

#### **4.4 Overstaying/Delayed Returns**

If staff, returning from a holiday abroad or returning from extended leave for religious/cultural reasons, are delayed in returning from the country they have visited, for reasons such as transport strikes, delayed flights, accidents etc. and this delay takes them into term time, then in such circumstances it is the member of staff's responsibility to maintain communication with the Headteacher / Executive Headteacher and to keep to an absolute minimum any unforeseen overstay.

On their return the Headteacher /Executive Headteacher will need to consider the reasons for the delay. If the circumstances are not covered by any other policy the period of absence would be without pay, assuming compensation is available from the travel company. If the employee is employed throughout the year then they may take the additional time as annual leave.

#### **4.5 Study / Examination Leave**

Employees who are sitting examinations relevant to their current post or where it will further the employee's professional development will be granted paid leave as necessary. at the discretion of the Headteacher / Executive Headteacher and will be balanced with the needs of the school/Trust and the impact on the education of students.

#### **4.6 Public Service Leave**

Paid leave will be granted for employees who are called for Jury service. However if the employees absence is likely to have serious implications, the Trust/school can apply for the jury service to be deferred to an alternative date.

Employees required to serve Jury service should:

- Provide a copy of the letter summoning them to serve as a Juror to the School HR Manager.
- Record their time on jury service as required by HR.
- Return to work if they become exempt from jury service.
- Return to work on any day they are not required at court.
- Claim any loss of earnings under the jurors allowance regulations.
- Liaise with the School HR Manager and complete the required form for submission to payroll.

The Trust/school will pay the difference between the loss of earnings allowance and full pay.

Paid leave up to 13 days is granted for employees who undertake duties as a magistrate.

Paid leave will also be granted if an employee is required to attend court as a witness.

Reasonable paid time off to undertake other public duties, for example as a School Governor, a Local Councillor, a member of any statutory tribunal, Police Commission Authority or Armed Forces Reservists may be granted at the discretion of the Headteacher / Executive Headteacher and will be balanced with the needs of the school/Trust and the impact on the education of students.

Staff standing as candidates for local government are entitled to one days paid leave, and those standing for parliament may request additional unpaid leave up to 10 working days.

#### **4.7 Medical appointments**

Where possible, employees are expected to make appointments out of school time. Where this is not possible, employees should try to make appointments at the beginning or end of the day if possible. Reasonable paid time off may be granted. Confirmation of the appointment or letter from the hospital/consultant will need to be provided.

#### **4.8 Attendance at Interviews**

Attendance at interviews will be granted as paid leave usually up to two days per occurrence.

#### **4.9 Participation in sporting or other events**

Paid leave may be granted, at the discretion of the Headteacher / Executive Headteacher, to staff participating in sporting or other events in which they represent their country or if they are on trial for selection to represent their country.

#### **4.10 Participation in Trade Union duties**

The Trust recognises the legal requirements for employers to allow reasonable time off work for the Trust's/school's elected representatives of recognised Trade Unions to carry out their duties balanced with the needs of the Trust and the impact on the education of students.

Duties that may warrant time off with pay include:

- Representing a Trade Union member at a grievance, capability or disciplinary interview.
- Attendance at relevant training courses organised by the Trade Union.

*Further information re Trade Unions can be found in the Trust's Trade Union Recognition Agreement.*

#### **4.11 Visits for new appointments**

Employees who are appointed to a position in another school will usually be granted one day's paid leave to attend an induction day. Each case will be considered on its merits and the individual circumstances that may be involved. In the case of an employee taking up a headship, three days paid leave may be granted.

#### **4.12 Other personal leave**

Exceptionally, there may be other personal reasons for requesting leave of absence during term time, for example, a graduation ceremony or a wedding of a dependent or close friend. Such leave may be granted at the discretion of the Headteacher / Executive Headteacher and balanced with the needs of the school/Trust and the impact on the education of students. In exceptional circumstances subject to adequate notice being given.

#### **4.13 Employees Serving on Outside Bodies**

Headteachers have the authority to approve requests from staff to attend meetings of Professional Bodies, Associations, National Committees, etc. subject to a maximum of 4 paid days leave per year.

#### **4.14 Treatment in relation to infertility (IVF)**

Reasonable paid time off, will be granted for employees who are required to attend medical appointments or who are hospitalised in relation to infertility treatment. However, each case should be considered on an

individual basis and employees will be required to provide an appointment card of letter to confirm the details.

The Trust may agree to flexible working arrangements or a combination of paid, unpaid, or annual leave during the treatment.

## **5.0 Unpaid Leave**

Subject to provisions for paid additional leave outlined in this policy the Headteacher / Executive Headteacher has discretion to grant unpaid leave to staff that may need time off in circumstances such as:

- Visits to family members abroad
- Urgent domestic problems
- Family illness
- Optional Religious festivals
- Any other family circumstances that may arise.

Additional leave during term time will not be granted to enable employees to go on holiday or accompany spouses on other visits. However, a paid holiday during term time may be granted to those members of staff working 52 weeks per year if the operation of the Trust/school means they are unable to take their annual leave during school closures.

## **6.0 Unauthorised absence**

If an employee fails to follow the above procedures and takes leave of absence without prior consent this may warrant an investigation under the Trusts Disciplinary Procedure.

Definition of Leave	Paid	Paid Entitlement	Unpaid	Relevant paragraph
<b>Dependency Leave</b>				2.0
• Dependant's illness	✓	Up to 10 days		2.0
• Care arrangements	✓	Up to 10 days		2.0
• Withdrawn childcare arrangements	✓	discretionary		2.0
• Pre adoption proceedings	✓	discretionary		2.0
• To accompany a dependant to an appointment		discretionary		2.0
• Childcare provider on holiday			✓	2.0
• Childs school shut for INSET			✓	2.0
<b>Compassionate Leave</b>				3.0
• Bereavement and funeral arrangements of very close relative	✓	Up to 5 days		3.0
• Funeral of a relative / close friend	✓	1 day		3.0
<b>Exceptional Leave</b>				4.0
• Moving House	✓	1 day		4.1
• Religious Observance	✓	1 day		4.2
• Hajj	✓	2 days paid		4.3
• Overstaying / Delayed returns	✓	discretionary		4.4
• Study & Examination leave	✓	discretionary		4.5
• Public Service Leave	✓	discretionary		4.6
• Public Service as a Magistrate	✓	Up to 13 days		4.6
• Attend court as a witness	✓	discretionary		4.6
• Medical appointments	✓	discretionary		4.7
• Attendance at interview	✓	Up to 2 days		4.8
• Participation in sports events	✓	discretionary		4.9
• Participation in Trade union duties	✓	discretionary		4.10
• Visits for new appointments	✓	1 day		4.11
• Employees serving on Outside Bodies	✓	Up to 4 days		4.13
• IVF Treatment	✓	discretionary		4.14
• Other personal leave (graduation/family wedding)		discretionary	✓	4.12
<b>Unpaid leave</b>				5.0
• Visiting family members abroad			✓	5.0
• Urgent domestic problems			✓	5.0
• Family illness			✓	5.0
• Religious festivals			✓	5.0