



# MANCHESTER LEARNING ACADEMY

## SPECIAL LEAVE/TIME OFF

### WORK POLICY

REVIEW DATES:-

15/01/2014

15/01/2015

# Manchester Learning Academy

## SPECIAL LEAVE / TIME OFF WORK POLICY

### 1. INTRODUCTION

1.1 The college recognises that, in addition to annual holiday leave and leave as a result of sickness or maternity, there may be other reasons why a member of staff needs to be absent from work. Where this is the case, staff can make a request for special leave/time off.

1.2 For the purpose of this document 'special leave/time off' will be referred to as 'special leave'.

### 2. SCOPE AND PURPOSE

2.1 This policy defines:-

- + the types of special leave
- + the amount of special leave entitlement
- + the procedures to follow to apply for special leave
- + whether the special leave will be paid or unpaid

2.2 This policy is applicable to all staff who are employed by the College, entitlements for part-time staff apply on a pro rata basis. The policy does not grant any automatic entitlement to special leave, each application for leave will be considered on its merits.

2.3 This policy replaces the existing 'Leave of Absence' scheme and incorporates the legal rights detailed in the Maternity and Parental Leave etc Regulations 1999 and the Employment Relations Act 1999.

### 3. TYPES OF SPECIAL LEAVE

3.1 Types of special leave cover a wide range of circumstances. For the purpose of this policy special leave types have been categorised into 9 areas:-

- |                        |                          |
|------------------------|--------------------------|
| A) Compassionate       | F) Public Duties         |
| B) Medical             | G) Union Duties          |
| C) Personal & Domestic | H) Unable to get to work |
| D) Paternity Leave     | I) Other                 |
| E) Parental Leave      |                          |

Some of these leave types are broken into sub-categories, e.g. Personal & Domestic is sub-divided into time off for moving house, to attend a graduation ceremony, to sit exams etc.

The following guidelines consider each of these special leave/time off types individually.

## SPECIAL LEAVE - GUIDELINES

Staffs are entitled to up to a maximum of 6 days paid special leave in any one year for absence within the following 3 categories (Compassionate/Medical /Personal & Domestic). A year is classed as being a rolling 12-month period.

The College recognises it would not be appropriate to expect staff to use their annual leave entitlement in such circumstances, however these days should not be seen as an automatic right and should be used only in genuine circumstances. Any abuse of the system will be viewed seriously and will be dealt with via the disciplinary procedure.

To apply for leave within these 3 categories staff should complete an Application for Special Leave Form (see Appendix 1) and have the leave authorised by their Line Manager. The completed and authorised form should then be sent to the Personnel Team who will provide confirmation and ensure consistency and monitoring is achieved.

This policy does not grant any automatic entitlement to special leave, each application for leave will be considered on it's merits.

The entitlement of 6 days is the maximum for the year for all the types of leave within the 3 categories, this is the total entitlement and not a separate entitlement for each type of leave. Staff requiring leave in excess of the entitlement will be required to either take the leave unpaid or to use some of their annual leave entitlement.

### A) COMPASSIONATE

#### **Death/serious illness of close relative or partner**

The College will allow staff up to 5 days paid absence in connection with the death or serious illness of a close relative or partner. The amount of time allowed will depend on the particular circumstances, relationship to the deceased and responsibility for funeral arrangements. This entitlement includes the time off for travel and to attend the funeral.

'Close relative' means spouse, father, mother, grandfather / mother, stepfather / mother, son, daughter, grandson / daughter, stepson / daughter, brother, sister, half brother / sister, father / mother in law, son / daughter in law, or an individual who was treated as a close relative (for example a member of staff who may have been raised by their aunt or uncle).

'Partner' means long-term partner who lives with the member of staff.

### **Illness of dependent child/spouse/parent/partner**

The College will allow up to 5 days paid absence in the circumstances where a member of staff has to accommodate the emergency and/or make arrangements for on-going care. The amount of time allowed will depend on the particular circumstances.

Should a member of staff feel the above College entitlement does not cover their absence they may wish to refer to their legal entitlement. Staff have a legal right to take a reasonable amount of unpaid time off as stated in the Employment Relations Act 1999, further details of this can be found in Appendix 2.

### **B) MEDICAL**

Dental and doctor's appointments (except in emergencies) should not necessitate absence from work, it is reasonable to expect staff to arrange such appointments in personal, lieu or flexi time.

It is recognised that there will be some medical appointments, such as hospital appointments, which cannot easily be changed or arranged out of working hours. However, it is expected that staff only take the minimum amount of time off work to attend the appointment, for example if the appointment is at a local hospital at 10am it would be reasonable to expect the member of staff to be back at work after lunch.

Paid special leave will not be allowed for appointments for treatment that a member of staff has chosen to undergo, for example cosmetic treatment. This type of time off will only be paid if the member of staff's Doctor has referred them for the treatment on medical grounds, otherwise staff would be expected to take this time off as part of their annual leave.

#### **Hospital appointment**

Paid time off will be allowed to attend hospital appointments. Evidence of the appointment, such as an appointment card or letter, must be sent to Personnel along with the Application for Special Leave Form (Appendix 1).

#### **Dependent child hospital appointment**

Paid time off will be allowed for staff to attend hospital appointments with their son/daughter. Evidence of the appointment, such as an appointment card or letter, must be sent to Personnel along with the Application for Special Leave Form (Appendix 1).

#### **Ante-natal care**

Staff who are pregnant are entitled to reasonable paid time off to attend ante-natal classes. Evidence of appointments must be provided upon line management request.

### **C) PERSONAL & DOMESTIC**

#### **Graduation**

Staff are allowed the maximum of one day per year to attend their own graduation ceremony, or the graduation ceremony of their son/daughter/ partner.

### **Moving house**

Staff are allowed the maximum of one day per year to move house if a move during working time is entirely unavoidable.

### **Domestic incidents**

Staff will be allowed time off to cope with domestic incidents, such as burglary, fire, flood. The amount of time off permitted and whether the time off will be paid or unpaid will be decided at the discretion of the line manager in conjunction with Personnel. This special leave should only be used to deal with emergency situations when no other alternative arrangements could be made, and the minimum amount of time should be taken.

### **Job interview**

Staff are allowed the maximum of two days per year to attend job interviews. This time includes travelling and preparation time. If the interview is local, it is reasonable to expect the member of staff to be absent for just ½ a day.

### **Religious festival**

Staff are allowed the maximum of one day per year for religious festivals, such as Eid.

### **Wedding**

Staff are allowed the maximum of one day per year to attend the wedding of a close relative.

### **Exams**

Staff are allowed one day study leave per exam (up to the maximum of 3 days per year) plus one day to sit each exam (up to the maximum of 3 days per year). This paid time off will be allowed if the type of study relates to the individual's work. Paid time off will not be permitted if the study is for the member of staff's own personal development, staff would be expected to take this time off as part of their annual leave.

### **Prospective father**

Staff who are prospective fathers are entitled to one day off to attend an ante-natal visit with their partner and one day off to attend an ante-natal scan. If the appointments are local it is reasonable to expect the member of staff to be absent for just ½ a day.

Prospective fathers are also allowed one day to be with their partner at the birth.

The types of special leave covered in the categories following will not be deducted from the 6 days paid entitlement covered in Categories A, B and C.

## **D) PATERNITY LEAVE**

Those staff who are partners of pregnant women are entitled to 5 days paid paternity leave at or near the time of the birth.

Staff should notify their line manager in writing of their intention to take paternity leave stating the intended dates and giving as much notice as possible. A copy of this notification should also be sent to Personnel.

Staff wishing to take leave exceeding 5 days will be required to use their annual leave entitlement.

*Note : the March 2001 Budget the Chancellor of the Exchequer announced that a period of 2 weeks paid paternity leave will be available from April 2003. This leave will be at the prevailing rate of non-earnings-related Statutory Maternity Pay. This policy will be updated to reflect this decision nearer the time.*

## **E) PARENTAL LEAVE**

### **The Right To Parental Leave**

Staff with at least one year continuous service are entitled to take a total of up to 13 weeks unpaid parental leave if they have, or expect to have, responsibility for a child. For twins or multiple births, the leave entitlement is 13 weeks for each child.

Staff with responsibility for a child with disabilities are entitled to take a total of up to 18 weeks unpaid parental leave.

Staff (both mothers and fathers) are entitled to parental leave in respect of each of their children under the age of five and leave must be taken before the child's fifth birthday except:

(a) in the case of adopted children, the leave may be taken up to either 5 years from the date on which the child is placed with the member of staff for adoption, or the child's 18th birthday, whichever is the earliest date;

(b) in the case of children entitled to disability living allowance, the leave may be taken up to the child's 18th birthday.

### **How much Parental Leave may be taken**

Leave should be taken in blocks of not less than 1 week. If less than one week is required the leave entitlement will still be reduced by a full week. The maximum amount of leave which can be taken within one year is 4 weeks.

### **Notice/Evidentiary Requirements**

In order to be able to take parental leave, staff need to give appropriate notice to the college of their intention to take leave and must comply with any request made by the college to produce any appropriate evidence.

The written notice required by the college from a member of staff intending to take parental leave needs to cover the following points and should:

(a) specify the dates on which the period of leave is to begin and end; and

(b) be given to the college at least 21 days prior to taking the leave, unless there are exceptional circumstances.

Staff should notify their line manager in writing of their intention to take parental leave, a copy of this notification should also be sent to Personnel.

In order to establish a member of staff's entitlement to parental leave, the college may request evidence of:

(a) a member of staff's responsibility for the child in respect of which parental leave is to be taken, this may include, for example, a child's birth certificate, a parental responsibility order, an adoption order, a MAT B1;

(b) the age of the child in respect of whom parental leave is to be taken. This may include, for example, a child's birth certificate;

(c) details of any parental leave that the member of staff has taken during any employment with another employer;

(d) the child's entitlement to disability living allowance where appropriate.

Such requests for evidence will be handled sensitively and all information will be treated confidentially.

#### **Postponing Parental Leave**

The college can postpone or reduce the length of parental leave where a member of staff has given the appropriate notice but the college considers that it's operation would be unduly disrupted if the member of staff took parental leave as requested. For these purposes "unduly disrupted" means any circumstances in which the college's business, organisation or interests is/are likely to be seriously threatened, harmed or undermined. It is preferable that postponement should not occur in any other than extreme circumstances.

If the college has to postpone or reduce parental leave, the member of staff will be able to take parental leave of the same length as originally requested, or the remaining period of parental leave in the case of reduced leave, within 6 months of the date of the postponement or reduction in leave.

The college will not be able to postpone a member of staff's parental leave in the circumstances where the member of staff has given 21 days notice to the college of intent to take parental leave which commences on the day on which childbirth occurs, or the day on which the child is placed for adoption.

#### **Contact With The College During Parental Leave**

A member of staff's line manager will seek to ensure that during the period that the member of staff is absent from work on parental leave, they will be communicated with on a regular basis. This may include:

- getting a copy of the college Staff Newsletter (In Touch) and other relevant information/bulletins;

- being sent relevant key minutes and/or agendas;
- being sent relevant training information;
- being included in invitations to relevant social events.

A member of staff's line manager will also seek to keep in regular contact with the member of staff during the period of parental leave and keep other relevant staff informed about the member of staff's return to work.

Staff on parental leave should remain on relevant circulation lists and be included in invitations to work related social events as though they were still at work. Where the member of staff has managerial responsibilities, the college should try to ensure that he/she is given the opportunity to participate in or be consulted about key decisions taken in his/her absence. As far as reasonably practicable, the college should try to defer key decisions until the member of staff's return from parental leave.

Where suitable training opportunities arise during a member of staff's parental leave, they should be offered to the member of staff concerned if appropriate. The college does not want parental leave to prejudice staff in terms of training and self development.

### **Returning To Work**

The member of staff will be entitled to return to the job in which he/she was employed under his/her original contract of employment, and on terms and conditions no less favourable than those to which he/she would have been entitled had he/she not been absent. This means he/she will be entitled to any pay awards and annual increments which he/she would have received if he/she had been at work.



# TIME OFF WORK - GUIDELINES

## F) PUBLIC DUTIES

### **Jury Service**

Staff summoned for Jury Service must inform the Personnel Team immediately. Whilst staff will normally be released for Jury Service, there may be an occasion when the College may wish to appeal in order to defer the service to a later date.

Full salary will be paid when a member of staff serves as a juror. However, the Personnel Team will determine in advance the daily salary rate to be paid by the Court which must be refunded by the member of staff to the College on completion of service.

Staff not required on any particular day for Jury Service must return to normal College duties.

### **Attendance at Court as a witness**

Staff who attend court as a witness because of an incident he/she observed will be allowed time off with pay. Staff should claim their full entitlement to reimbursement from the Court and provide the Personnel Team with the details.

### **Public Officers**

Paid time off will be granted for up to a maximum of 18 days in any 12 month period to enable a member of staff to function as a Justice of the Peace; as a Governor of an Education establishment that is maintained by a local education authority; as a member of a statutory tribunal; as a member of a local, health or water authority; or as a member of a body appointed by central government. The Personnel Team must be informed in writing of any such time off taken to ensure that adequate records are maintained.

Permission must be sought from the Principal prior to taking up such responsibilities.

### **Territorial Army**

Up to two weeks time off per year will be allowed to attend the annual camp for the Territorial Army. One week will be granted with pay and one week should be taken from the annual leave entitlement.

The Personnel Team must be informed in writing of any time off taken to ensure absence records are maintained and the necessary deductions from pay are made.

## **G) UNION DUTIES**

### **Trade Union Representatives**

Staff who are representatives of a trade union recognised by the College have the legal right to be permitted a reasonable amount of paid time off work to enable them to perform their duties as such officials and/or to undergo relevant training.

The activities in which representatives are most likely to be involved include:

- negotiations with the College on issues such as pay, holidays, working hours
- discussions with members (either individually or collectively) on the progress or outcome of negotiations
- dealing with staff grievances and accompanying members at grievance or disciplinary hearings

Trade union representatives are also permitted a reasonable amount of paid time off to attend TUC-approved training courses (or courses approved by the independent trade union to which they belong) in those aspects of industrial relations that are relevant to their official duties. Requests to attend such training courses should be directed to the Vice Principal.

### **Trade Union Members**

Staff who are members of a trade union recognised by the College have the legal right to be permitted a reasonable amount of *unpaid* time off work to enable them to participate in the activities of that trade union.

### **Safety Representatives**

Safety representatives appointed by a trade union recognised by the College are entitled to take paid time off during their working hours as is necessary to undertake their function and for undergoing reasonable training for these functions.

## **H) UNABLE TO GET TO WORK**

If, because of transport difficulties which could not reasonably have been foreseen or overcome (caused, for example, by deep snow or a strike), a member of staff is unable to get to his or her normal place of work, he/she should immediately contact their Line Manager. In such instances time off from work should either be taken from annual leave or flexi-time, or be taken as unpaid leave.

Reference should be made to the 'College Closure Policy' if the member of staff is unable to get to their normal place of work due to adverse weather conditions.

## **I) OTHER**

Requests for leave other than specified in the guidelines above will be considered by your Senior Manager, they will determine whether such leave will be granted dependent upon individual circumstances and whether this leave will be paid or unpaid. In such instances Senior Managers are advised to contact a Personnel Officer who can give advice on policy and precedent.

Staff are advised to direct any requests for long term special leave (i.e. longer than one month) to their relevant Senior Manager/Director in writing.

## APPLICATION FOR SPECIAL LEAVE

### In accordance with the Special Leave Policy

Under the rules of the policy, staff are entitled to up to 6 paid days leave of absence in any one year. Staff should complete the form below and have the leave of absence authorised by their line manager. The completed and authorised form should then be returned to the Personnel Team who will provide confirmation and ensure consistency and monitoring is achieved

Name \_\_\_\_\_ Team \_\_\_\_\_

Job title \_\_\_\_\_ Location \_\_\_\_\_

Period of leave required \_\_\_\_\_ day(s).

From \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Reason for special leave - please refer to Special Leave Policy for reason categories:

### Line Manager authorisation

I do / do not\* recommend leave of absence with / without\* pay for the above reason.

Signed \_\_\_\_\_ Date \_\_\_\_\_

\* Delete as appropriate

Reason if leave or pay refused

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To be completed by Personnel

Date received \_\_\_\_\_ Input to Compel \_\_\_\_\_ Confirmation sent \_\_\_\_\_

**TIME OFF TO CARE FOR DEPENDANTS (LEGAL RIGHTS)**

Schedule 4, part II of the **Employment Relations Act 1999** inserts section 57A into the **Employment Relations Act 1996**.

Section 57A came into force on 15/12/99 and introduces a right for employees to take time off during working hours in order to deal with emergencies affecting their dependants. For these purposes, a dependant is defined as:

- a) a spouse
- b) a child
- c) a parent
- d) a person who lives in the same household as the employee, other than as an employee, tenant, lodger or boarder

The right arises where the employee need to take necessary action:

- a) to provide help when a dependant falls ill, gives birth or is injured or assaulted (including mental illness or injury)
- b) to make arrangements for the provision of care for a dependant who is sick or injured
- c) to cope when the arrangements for caring for a dependant unexpectedly break down
- d) to deal with an unexpected incident involving the employee's child at a time when the child's school has responsibility for him/her.
- e) when a dependant dies

The employee is required to notify the employer as soon as is reasonably practicable of the reason for the absence and, other than in cases where the employee has been unable to notify the employer until he or she has returned to work, to tell the employer the expected length of the absence.

The amount of time off permitted is that which is "reasonable" in the circumstances. There is no right to paid time off under the provisions.

This right is available to all employees, regardless of length of service.

Under section 57B an employee can present a claim to an employment tribunal if he or she has been refused the reasonable time off allowed.