

# Manor Hall Academy Trust



## **Time Off Policy, Compassionate Leave, Emergencies, Work Break, Public Duties Policy**

Responsibility for monitoring and reviewing this policy lies with the Central Trust Team and Directors. A review of this policy and recommendations for change should be presented to the Directors of the trust for verifications and consulted on with unions.

The Directors of the trust, in line with the Scheme of Delegation and Articles of Association have overall responsibility for the effective operation of MAT policies, but has delegated day to day responsibility to the Headteacher and LAB.

Directors will take account of recommendations from individual schools in review of this policy and seek HR advice as to such revisions.

<b>Consulted with the JCNC unions</b>
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<b>Spring 24</b>
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Date	Version	Reason For Change	Overview of Changes Made	Source
	1	Scheduled Review	Approved	Directors
Autumn 2022	2	<p>Update, level up and include legislative requirements. Now includes:</p> <ul style="list-style-type: none"> <li>- additional paid leave for dependents/ carers</li> <li>- additional leave for fertility treatment if required and operational duties can be met</li> <li>- retained FF duties (up to 5 days)</li> <li>- unpaid time off for religious observance</li> <li>- clarification in circumstances of severe weather</li> <li>- statutory bereavement leave (paid leave on death of a child from day one (previously this was 26 weeks))</li> </ul>	TBC	Directors
Autumn 2024	3	Updated to include details of the Carers Leave which has come in force on 6 April 2024. These changes have been made in light of The Carer's Leave Regulations 2024.	Changes to legislation	

## Contents

Manor Hall Academy Trust .....	1
1. Purpose Statement .....	4
2. Who does it apply to? .....	4
3. Policy Principles.....	4
4. Definitions.....	5
5. Policy Provisions.....	5
6. Pension position during periods of unpaid leave.....	19
Appendix A.....	20

## **1. Purpose Statement**

This policy, which goes beyond statutory 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. Time off, should be authorised by the 'appropriate level of authority' as determined by Manor Hall Academy Trust's Scheme of Delegation (decision making structure).

Whilst many situations where staff might request time off are included, this policy is not exhaustive.

## **2. Who does it apply to?**

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 consultation with the recognised trade unions. This policy does not apply to agency workers.

This policy was approved in the summer term 2022 and will be reviewed in line with the Trust's policy review schedule.

This policy does not cover the Trusts provisions relating to Maternity, Paternity, Shared Parental leave, Parental leave or Adoption leave, which are covered in a separate policy. Policies can be found on Parago or via school offices.

## **3. Policy Principles**

To support our employees to effectively balance their personal and professional lives, Manor Hall Academy Trust are keen to be a supportive and compassionate employer and understand that in return, the Trust will benefit from the goodwill of its staff.

This policy allows the Trust to have a consistent approach to the approval of time off and compliance with relevant legislation.

It is acknowledged that emergencies arise, and that employees may require reasonable time to attend to these, during work time. Wherever possible, time off will be granted.

Each request for time off should be considered on its own merits, however the Trust must remain mindful of the impact that approving time off may have on the Trust's ability to provide education. Requests for time off from employees that are excessive or unduly frequent, may be denied due to the impact on the operational running of the school/ Trust.

Headteachers and relevant managers must apply consistency across staffing groups and will ensure that no employee will be disadvantaged on the basis of their gender, transgender, marital or civil partnership status, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility.

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 and enriches the community and society in which we live.

Holiday entitlement, or other types of leave such as flexi time should be used where employees need time off work for commitments that can be planned ahead (if applicable).

#### **4. Definitions**

- Where a number of days is referred to, this will be pro-rated for part-time staff.
- Where the policy refers to per annum, this will be per academic year.
- “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.

#### **5. Policy Provisions**

##### **5.1 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 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 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).

Please see also Statutory Parental Bereavement leave at 5.17.

##### **5.2 TIME OFF FOR EMERGENCIES (PAID)**

An employee might find that they must deal with an emergency concerning a dependant for which they need to be absent from work. Manor Hall Academy Trust will grant *up to 5 days paid leave in an academic year* to deal with these emergencies. In most circumstances employees will only need one day to make alternative arrangements in an emergency.

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

### **5.2.1 Approval compassionate or emergency leave**

In an emergency or compassionate situation, communication with an employee's relevant 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. However, the employee should speak to the relevant 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 and agree when they will be back at work. If the date of return cannot be agreed during this discussion, a contact strategy will be agreed between the employee and the manager. There is no requirement to provide written notification or written proof.

### **5.2.2 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 careful consideration should be given to other provisions available to assist employees such as annual leave, flexitime, unpaid leave or work breaks.

### **5.2.3 Roles and responsibilities**

It is the responsibility of employees to discuss with their manager the circumstances surrounding the need to take time off. 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.

## **5.3 TIME OFF FOR EMERGENCIES (UNPAID) DOMESTIC AND PERSONAL EMERGENCIES**

There may be times when an employee needs to attend to an urgent situation, such as a fire, break in, flood or personal matter which needs time to resolve. In such circumstances the relevant manager may approve up to 5 days unpaid leave for the employee to make appropriate arrangements. This must be in situations of genuine emergency.

## **5.4 TIME OFF FOR HEALTH-RELATED APPOINTMENTS – DOCTORS, DENTISTS, PHYSIOTHERAPY, OPTICIANS**

From time to time, the Trust recognises that employees will need to attend such appointments.

Wherever possible, employees are expected to make such appointments outside working hours and in their own time. There is no right to time off for non-emergency check-ups.

Where it is essential that such appointments are arranged within the working day, disruption must be kept to a minimum, normally by arranging the appointment at the start or end of the day or over a break period. Time off for such appointments will be unpaid in blocks of half a day, unless:

- it is an emergency (paid time will be approved)
  - lost time is to be made up with the prior agreement of the appropriate level of manager (usually the Headteacher in schools)
  - time off is approved as annual leave (where leave in term time is allowed) and you have an annual leave entitlement, in which case you must comply with the Annual Leave policy and this must be approved before taking the time off.
- Policies can be found on Parago or available via the school office.

It is accepted that it is not always possible or practical to arrange some appointments outside of working hours and that the timing of which may be outside of the employees' control; it is the Trust's policy to approve reasonable time off for such.

## **5.5 HOSPITAL APPOINTMENTS**

If an appointment has the option of being re-arranged, then this avenue should be explored, unless the wellbeing of the employee will significantly suffer. The employee must obtain approval from the relevant manager in advance of the appointment. In exceptional circumstance the relevant manager has the right to ask an employee to reschedule an appointment if its timing would cause undue disruption to the work of the Academy/ Trust. It is recognised that this is not always possible but should be attempted. Evidence of the appointment will be required and should be attached to absence request forms. Where reasonable notice has been provided by the employee, reasonable paid time off, will be granted.

Where an employee needs to attend a series of appointments in order to undergo a number of tests or treatment for their condition, the relevant manager will consider both the health and wellbeing of the employee and the level of disruption to the school/ team before determining the most suitable arrangements for the employees' time off.

Where such appointments are on account of a condition which may be considered a disability under the Equality Act 2010, or where Occupational Health has advised that the course of treatment is likely to facilitate the employee remaining in work or returning to work after sickness, then reasonable time off with pay may be appropriate.

However, if appointments become frequent or operationally unsustainable the manager should seek advice from HR. It may be reasonable to request that the employee changes the times of their appointments or require the employee to make up some of the lost time.

## **5.6 WORKBREAK**

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 combine family commitments more easily with work, but this also extends to other personal commitments such as travel, 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.

### **5.6.1 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 Performance Improvement/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.

### **5.6.2 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.

### **5.6.3 Work break - Keeping in touch days**

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.



#### **5.6.4 Maternity/ Adoption Leave and Work break**

Where a work break follows maternity/adoption 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 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 pays) 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 occupational 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.

#### **5.6.5 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 Payroll of their return.

#### **5.6.6 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.

#### **5.6.7 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 provider before a work break agreement is entered into.

### **5.7 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

Manor Hall Academy 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 by the employee's manager.

#### **5.7.1 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 Manor Hall Academy Trust; and
- Submitting applications for time off in the prescribed manner, and for claiming loss of earnings allowances wherever possible.

#### **5.7.2 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 forms and submitting for processing.

#### **5.7.3 Amount of time off for public duties**

##### **a) 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.

**b) 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.**

**c) For other public activities listed below, 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 Trust, 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.

#### **5.7.4 Public duties – Schools (Governance)**

Approval of time off, arrangements for cover and monitoring are matters for the LAB. Employees can request up to five days, approved in advance, to undertake Governor activities at other schools/ academies. Cover for any time off granted will be paid from the school's allocated budget.

#### **5.7.5 Special Constables and Retained Firefighters**

- up to five days paid leave (pro-rated) per annum.

#### **5.7.6 How to apply**

An employee should complete the relevant form; which should be submitted to the manager/ Headteacher.

## **5.8 JURY SERVICE**

Where an employee receives a summons to serve on a jury, they should report that fact immediately to their manager/Headteacher. Leave of absence will be granted unless an exemption is secured. If you hold a position crucial to the operation of the Academy Trust, or in the event that your absence from work over a long period of time could cause hardship to the Academy Trust, the Academy Trust may require you to request a deferral of or excusal of your jury duty.

Although not obliged under law, paid leave of absence will be granted to employees undertaking jury service.

The employee will continue to be paid while on jury service at their normal rate of pay, from which any monies received from the court in respect of loss of earnings will be deducted.

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, and then send it to their payroll provider along with the Notification of Jury Service. 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 'losses 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 guidance explaining how the payment has been calculated. The employee should send this guidance to the payroll provider 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.

### **5.8.1 WITNESSES**

Employees called to be witnesses on behalf of the Trust will be granted paid leave to attend court. However, time off with pay will not normally be granted in respect of cases personal to the employee, but managers should facilitate availability to attend court.

### **5.8.2 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.

## **5.9 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 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 or school holidays. 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.

#### **5.9.1 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, where this does not take place within school holidays. Evidence will be required.

#### **5.9.2 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.

### **5.10 POLITICAL ELECTIONS**

#### **5.10.1 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.

#### **5.10.2 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

#### **5.10.3 Candidates – Parliamentary elections**

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.

### **5.11 REPRESENTATIVE SPORT / MUSIC**

The Headteacher/ LAB have discretion to grant leave with or without pay (must be signed off by the Trust) to employees who are selected to represent their county or country in representative sport, where reasonable notice is provided.

### **5.12 FERTILITY TREATMENT**

Employees requesting time off for this reason will be supported wherever possible, provided that evidence is supplied, and appointments are arranged to minimise the impact on school (i.e., in school holidays where possible). Employees may request up to three days paid leave. If additional time off is required, this may be approved, subject to operational needs. Where the employee requires short appointments, provisions detailed in Time off for Health-related appointments/ hospital appointments will be applicable. Headteachers/ Managers should respond sensitively to any requests for such time off.

### **5.13 SEVERE WEATHER**

Manor Hall Academy Trust is committed to open every normal working day regardless of the weather, however, if it is impossible to come into work, or it is likely that conditions will cause a substantial delay to commencement of work, due to severe weather employees must telephone as early as possible before their scheduled work time and speak to their relevant manager (usually the Headteacher).

The time off will usually be approved as either annual leave (if the employee has an annual leave entitlement) or unpaid leave. Alternatively, if the employee can work from home and they are given permission to do so, they will be paid at their normal rate for the hours worked from home.

If severe weather conditions cause a substantial delay to commencement of work, the relevant manager (Headteacher) should be notified as soon as possible. Lost time will be unpaid or made up with the prior approval of the relevant manager.

If the Academy Trust decide that in the interests of health and safety that employees should be permitted to leave for home due to weather conditions, prior to the end of their normal working day, then employees will be paid their normal pay until the end of their shift/ working day.

If a decision is taken by the Academy Trust not to open for the day, you will be notified as soon as possible. If you are due to attend, but are not required to do so, you will be paid at your basic rate as if you had attended as normal.

### **5.14 INTERVIEWS**

Paid leave will be authorised by the relevant Manager for a reasonable number of interviews/ recruitment activities within the education sector. Additional unpaid leave may be approved. If the employee is coming to the end of a fixed term or temporary contract or has been officially declared as 'at risk' or been served with notice of redundancy, paid time-off for interviews will be granted.

### **5.15 TIME OFF FOR RELEVANT APPROVED EXAMS**

Paid leave of absence for up to one day will be granted for final revision prior to sitting a recognised relevant examination, particularly those which are linked to employment/ CPD. Paid leave of absence will usually be granted for sitting approved examinations.

## **5.16 RELIGIOUS OBSERVANCE**

Reasonable requests for time off for religious observance should be granted unless there are exceptional circumstances, normally no more than three unpaid days per annum will be granted. Headteachers/ Managers should respond sensitively to any requests for time off; care must be taken to ensure fairness and consistency.

When considering requests for leave for Hajj Headteachers 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.

## **5.17 STATUTORY PARENTAL BEREAVEMENT LEAVE**

Parental bereavement leave is time off following:

- the death of a child if they die before the age of 18 years old
- a child is stillborn after 24 weeks of 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 two weeks of Statutory Parental Bereavement Leave and Pay. An employee must be employed when their child died. They must also earn more than the average weekly earnings before tax to receive the statutory payment.

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 this right from the day they start their job.

Parental Bereavement Leave can be taken in the 56 weeks following their child's death.

Employees must ask for Statutory Parental Bereavement Pay within 28 days of taking Statutory Parental Bereavement Leave, starting from the first day of the week they're claiming the statutory payment for.

## 5.18 CARERS LEAVE

### 5.18.1 Introduction

On 6 April 2024, the Carer's Leave Regulations 2024 will come into force. Manor Hall Academy Trust is aware that some employees may have responsibility for providing or arranging care for a dependent who has a long term care need. All employees are eligible to apply for statutory Carer's leave, if they are an unpaid carer. Agency workers and self-employed individuals are not eligible.

### 5.18.2 Who is a dependent?

Under the Carer's Leave Regulations 2024, a dependent is defined as:

- A spouse, civil partner, child or parent of the employee
- Someone who lives in the same household as the employee (this does not include: boarders, their employees, tenants or lodgers)
- Someone who reasonably relies on the employee to provide or arrange care

If you have any queries about whether your relationship with the person who has a long term care need qualifies, please liaise with your manager in the first instance.

### 5.18.3 What is a long term care need?

Under the Carer's Leave Regulations 2024, a person has a long term need if:

- They have an illness or an injury (which can physical or mental) that requires, or is likely to require, care for more than three months.
- They have a disability for the purposes of the Equality Act 2010
- They require care for a reason connected with their old age.

### 5.18.4 What is classed as a disability under the Equality Act 2010

The Equality Act 2010 advises that a person is classed as having a disability where they have a physical or mental impairment that has a **substantial and long term** negative effect on their ability to do normal daily activities. For clarification purposes, the definitions of substantial and long term are listed here:

- **Substantial** – is more than trivial or minor as has the effect of making a daily task much harder or it takes a lot more time to complete it.
- **Long term** – this is defined as lasting for more than 12 months.

For **recurring or fluctuating** conditions, where there may be a period of remission between flares or reoccurrence, a manager may wish to seek advice from HR concerning if they receive a query from the employee. This is especially pertinent over the question the condition meeting the long term test.



For conditions, which are listed as **progressive**, this can be considered as a disability as they can worsen over time. If an employee advises their manager of this kind of condition and if you are unsure whether the condition would be appropriately called a disability, the manager may wish to seek advice from HR. Please note that the following are examples of conditions, from diagnosis, will mean that a person is listed as having a disability:

- Cancer
- Human Immunodeficiency Virus (HIV)
- Multiple Sclerosis (MS)
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Please note that this is not an exhaustive list

### 5.18.5 Leave Entitlement

The entitlement is to one week's unpaid leave in a 12-month period. It can be taken in blocks from as little as half a day or as one continuous working week. It should be taken only when the employee is normally required to work.

### 5.18.6 Notice

Employees will be expected to provide notice to their school, or where employed by the central team, to the central team of their intention to take carer's leave. This notice should be submitted in advance, and in writing, either:

- By the date, which is twice as many days as the amount of leave requested.
  - *I.e. an employee wishes to take three days of carer's leave, they must give six days' notice before the start of the carer's leave*
- Or by a minimum of three days before the carer's leave is due to start (this will be in cases where doubling the days requested ends with a number that is less than three).
  - *I.e. a person wishes to take 1 day of carers leave, they will have to give three days' notice before the start of the carer's leave.*

**Appendix A** details a standard notice that the requestor should use. It will ask the requestor to specify the following:

- That they are entitled to take carer's leave
- That they have not exhausted their entitlement
- The date(s) that they wish to take the leave
- Confirmation that they have requested this before the relevant date i.e. before the notice period window closes (as listed above).

Please note that Manor Hall Academy Trust **does not** have a right to ask for written or any other evidence that there is a dependant who has a long term care need for which the requestor is seeking carer's leave.

### **5.18.7 Postponement of the Carer's Leave**

In specific circumstances the employer can postpone the carer's leave. This can only be done however where the employer reasonably believes that the operation of their business would be unduly disrupted.

At Manor Hall Academy Trust, we would expect that postponements can only be made in the circumstances that by the employee taking this leave, it would cause a significant safeguarding issue for the pupils or if there was another significant event for which the school had no other reasonable option. If you are unsure whether your specific school circumstance would qualify for a postponement, please liaise with your manager in the first instance.

Before making any decision, there must be a period of consultation with the employees. The rearranged date must be within a month of the leave period that was originally scheduled. A notice must be given to the employees which details the reason for the postponement and advises on the new period of carer's leave. This must be given as soon as it practical and must be given either (whichever is earlier of):

- Seven days after the employee's notice was given to the employer, or:
- Before the first date in that notice.

### **5.18.8 Protection from detriment and unfair dismissal**

Under the Carer's Regulation 2024, employees at Manor Hall Academy Trust will be protected from detrimental treatment by Manor Hall Academy Trust if they take, or seek to take carer's leave. Any employee who is dismissed or selected for redundancy for those reasons would be able to claim automatic unfair dismissal.

## **5.19 EXCEPTIONAL CIRCUMSTANCES**

There may well be other circumstances where employee request time off e.g. moving house, one off events; wedding or graduation of child. There is no right to time off under these circumstances, but where they cannot be rearranged and Headteachers can accommodate the request, unpaid time off may be granted in such circumstances. Managers are reminded of the need for consistency in these circumstances to ensure the employees are treated fairly.

There may be other circumstances beyond the employees' control, e.g. being stranded away from home or being unable to travel due to strike activity or terrorist acts.

In such situations, the employee is expected to contact the Headteacher/ their manager as soon as they are able, to explain why they cannot come to work and to agree with the relevant manager how their absence is to be treated. Such absence should normally be taken as annual leave where possible, unpaid leave or by making up lost time by working on a non-working day (if part time), unless a school decision has been taken to allow paid time off for a one-off situation that has affected a number of employees, or where appropriate a single employee

## **6. PENSION POSITION DURING PERIODS OF UNPAID LEAVE**

Teaching Staff – if the employee is a member of the Teachers' Pension scheme, they should take advice from [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) regarding the impact of any periods of unpaid leave.

Support staff – employees may wish to purchase the amount of lost pension on periods of unpaid leave of absence. Staff should refer to their relevant Local Government Pension scheme provider for advice/ relevant forms, as there are likely to be timescales attached to making such an election.

## Appendix A

### Notice to take a period of Carer's Leave under the Carer's Leave Regulations 2024.

#### Section 1 – Request made by employee

Question	Response	Office Use Only
Name of Employee		
School		
Do you have a dependent who has a long term care need as specified in the Carer's Leave Policy?		
How many hours or days have you taken for the dependant in the last 12 months		Is this less than one week?
Which dates would you like to take the leave		
Have you requested in before the "relevant date?"		Has this been requested by the relevant date?
Date agreed		
By whom		
Confirmation sent		

#### Section 2 – Postponement of the carer's leave (if required)

Question	Response	Office Use Only
Is there a circumstance where the school will be unduly disrupted if the employee takes the leave?		
Have we consulted with HR?		
Has a consultation taken place?		

This policy was approved in Spring 2024 and will be reviewed again in Spring 2027

When has the date been rearranged?		Has this been rearranged within a month of the original request
Has a notice been sent out in line with the provisions of the Carer's Leave Policy		