

# Kentmere Academy and Nursery

## Staff discretionary leave policy 2017/2018



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## 1. Introduction

Any member of staff, regardless of their working pattern, may find it necessary to apply for leave of absence (paid or unpaid). Each individual case must be considered on its own merits. **A high level of consistency is important when reaching a decision if staff are to be treated equitably.**

A sympathetic consideration of requests for leave of absence on compassionate grounds and where staff are not in a position to control or influence the timing of important activities, should be taken.

Staff should be made aware that their failure to make a request in accordance with the schools agreed procedures will result in an automatic refusal of the discretionary leave request and an investigation, in accordance with the school's Disciplinary Procedure, should the leave subsequently be taken.

Likewise any employee who requests discretionary leave but has the request declined, but subsequently chooses to take the leave without authorisation, will have the matter dealt with as a breach of contract on their return to work. This will result in an investigation taking place in accordance with the school's Disciplinary Procedure and will be considered as gross misconduct which could result in the employee's summary dismissal from post.

## 2. Types of Discretionary Leave

It is the responsibility of each member of staff to ensure that arrangements for attendance at routine medical appointments, etc. are made at times that will cause minimum disruption to their school commitments. Only specialist or emergency treatment would normally warrant discretionary leave.

Compassionate Leave:		
Reason for Absence	Period of Absence	Paid/Unpaid
Death of immediate family i.e. mother, father, husband, wife, partner, son, daughter, brother, sister, grandparent or grandchild	Up to 5 days (including the day of the funeral)	Paid
Appointment as Executor of the will/arrangements	Up to 5 days maximum (not in addition to the above)	Paid
Death of aunt, uncle, nephew, niece, cousin, brother-in-law, sister-in-law, spouse's/partner's close relative	Up to 2 days including the day of the funeral	Paid
Close friend	1 day per year	Paid
Public Duties		
Jury service or witness in court		Paid
Attendance at court as a defendant or plaintiff		Paid
Election duties	1 day ( see Rochdale guidance)	Paid
Councillors duties	18 days out of 195 per year	Paid
Service in Non-Regular Forces	See Rochdale guidance	Paid for 10 days

Duties as a JP/Attendance at committee meetings	Up to a maximum of 18 absences (pro rata)	Paid to LA and refunded to the school
School Governor duties	Up to a maximum of 18 absences (pro rata)	Paid
<b>Care for Dependants</b>		
To make arrangements for the provision of care: -to deal with an emergency -to a dependant who has fallen ill or been injured, or whose condition has deteriorated, or termination of arrangements of care	2 days per academic year	Paid for 2 days only
To deal with the unexpected unavailability of a child-minder or regular carer		Unpaid
<b>Parental Leave</b>		
Care for young child/children making it easier to reconcile work and family life	Each parent can claim up to a total of 13 weeks over 5 years (see Rochdale guidance for more detail)	Unpaid
<b>Paternity Leave</b>		
Separate from Parental Leave and is to allow 'partners' time to assist at home following the birth of a child or the placement of a child for adoption	Service eligibility requirements apply	Teachers – 1 week with normal pay followed by one week on Statutory Paternity Pay. Support staff – 1 week maternity support on normal pay and 1 week on Statutory Paternity Pay. Both only if over Lower Earnings Limit
Additional Paternity Leave	Up to 26 weeks (the child's mother or adopter must have started working again)	See Rochdale guidance for details
<b>Personal and Domestic Situations</b>		
Attendance observance of a principal religious festival	Maximum of 2 days per academic year	1 day with pay and 1 day without pay in one academic year
Transport failure, car breakdown or weather disruption		At discretion of Headteacher
House removal where removal falls on a working day		1 day with salary
<u>Urgent</u> family business (eg house burglary, explosion, fire)	At governors' discretion	1 day per incident paid
Job Interview		5 days Paid per academic year, then unpaid thereafter
Visits of necessary observation to another school	At governors' discretion	5 days Paid
External examiner, marker, awardee, external moderator.	At governors' discretion	Paid

Professional development	At governors' discretion	Paid
Guest lectureship & consultation	At governors' discretion	At governors' discretion
<b>Medical</b>		
Ante-natal care appointments		Paid
Medical appointment (hospital) or screening <u>where the time or the appointment cannot be chosen to fall out of working hours</u>	Maximum of 12 hours in any academic year	Paid
Appointments for medical screening		Paid
IVF Treatment	Dependent upon duration. Long term may need to be dealt with via annual leave/time off in leu/sickness absence provisions	Initially with pay
Emergency dental appointments (not routine – expected outside of working hours)	Maximum of 4 hours in any academic year	Paid
<b>Discretionary</b>		
University Graduation for teacher, son/daughter, spouse/partner		1 day with pay 1 day without pay
Family weddings	At governors' discretion	Unpaid
School assembly for son/daughter	At governors' discretion	2 hours per year with pay

### 3. Personal and domestic considerations

#### a) Examples of when discretionary Leave is unlikely to be granted

- Holidays in term time (unless agreed as part of the terms and conditions of employment). This includes early/late flights to avoid premium charges
- Driving lessons/tests
- Non-school related courses including speed awareness courses
- Accompanying partners on business trips
- To facilitate routine domestic arrangements (eg, carpet fitting, arrival of 'white' goods, installation of cable/satellite tv, passport renewal)
- To facilitate Car servicing or repair
- Accompanying family members/friends to routine medical appointments

## 4. Religious Observances

There are no local agreements to cover this area, therefore there is no specific entitlement.

The Equality and Human Rights Commission advises that an employee has the right to manifest their religion or belief in a work environment. Where this religion or belief conflicts with existing work requirements, there is a need for the employer to consider whether reasonable accommodation / adjustment can be made to adapt these requirements to enable such needs to be met. This would cover time off for religious observance (prayer times or religious holidays). The definition of religion or belief is as follows:

Religion - Must have a clear structure and belief system

Belief - Must be an important and significant aspect of human life and behaviour.

## 5. Transport Failure/Weather Disruption/Local or National Emergency Situations

There is an expectation that staff choose to live in locations that do not affect their ability to get into work, even during times of transport failures or poor weather. However, the academy does recognise that regardless of where staff live, there will be occasions during the year when their journey to and from work will be hindered.

These are situations that must rely entirely upon managerial discretion as no two cases are the same. The first priority in all cases is the safety and welfare of staff and students.

If there is a major disruption to the public transport system because of a strike or bad weather then it is recommended that staff who use this means of transport and have no other alternative, they should make every attempt to attend work, however if not possible they should be treated sympathetically. Each individual case should be considered on its own merits, taking into account such factors as distance from home to school and availability of alternative methods of transport. It is expected that within these situations the academy refers to the guidance issued in relation to managing in adverse weather conditions and implement their emergency plan/procedures.

Equally, if a member of staff's car breaks down and they make every effort to come into work as soon as possible by other means, they too should be treated sympathetically, although the academy may wish to seek some recompense for the hours lost if this is regularly repeated.

## 6. Teachers – Directed Time

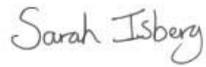
Requests for discretionary leave also need to be made by teaching staff if they wish to miss any calendared directed time event outside of the main teaching day (INSET Days, Parent Evenings, etc). Each request will be considered individually, and, if granted, would normally be unpaid with the salary adjusted accordingly.

## 7. Flexible Working Procedures

The right to request flexible working is a statutory right for any employee who has worked for their employer continuously for over 26 weeks and not just to those with caring responsibilities.

A copy of the procedure is available from HR and models the Rochdale MB Council policy as agreed with the local teacher associations and trade unions.

Signed:



Sarah Isberg (headteacher)

Date: January 2018

Agreed by



Simon Day (Chair of Governors)

Date: January 2018

Review January 2019