



Treetops Learning Community

Paid and Unpaid Leave Policy

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ADDITIONAL ENTITLEMENTS TO PAID AND UNPAID LEAVE POLICY

1. Introduction

The Trust applies this policy to employees of the Treetops Learning Community only (which will be referred to as “you” in this policy), unless as otherwise stated below. It does not form part of any employee’s terms and conditions of employment and is not intended to have any contractual effect. We reserve the right to amend this policy at any time. This Policy should be read in conjunction with other HR Policies.

There are two separate issues involved in the granting of additional leave: whether or not it should be permitted and, if it is, whether or not salary should be paid. It is the responsibility of the Headteacher to make decisions regarding leave, and whether the leave should be paid. The day to day running of this may be delegated to members of the Senior Leadership Team. Every effort must be made to ensure that fairness and equity is applied when making such decisions.

This policy does not contain an exhaustive list of reasons as to why additional leave may be requested by employees. However, leave for a reason not listed below may also be granted at the absolute discretion of the Headteacher. All decisions must be based on an objective approach, applied consistently and a record kept of the reasons on which each decision is based.

Employees seeking any additional paid or unpaid leave should submit their requests for time off (and the reasons for the request) in writing to their Deputy Headteacher (by completing a leave of absence form, which can be found on Sharepoint, providing reasonable notice of the request (please see policy below for specific requirements).

2. Bereavement and Compassionate Leave

Bereavement leave is designed to help you cope with the death of an immediate family member, to deal with necessary arrangements and attend their funeral.

Compassionate leave is designed to help you where you need to deal with necessary arrangements for or assist an immediate family member who is seriously or critically ill.

At our discretion, after careful and sympathetic consideration has been given to the circumstances of the case, you may be granted up to 5 days' paid bereavement leave and up to 5 days paid or unpaid compassionate leave in any 12-month period.

This entitlement will be calculated pro rata for part time staff, in accordance with their working days when compared to the full time equivalent. [For example staff working a 3 day week will be granted up to 3 days bereavement leave and up to 3 days paid or unpaid compassionate leave.]

We may exercise our discretion to grant unpaid or paid bereavement or compassionate leave in respect of any other relative or close friend, depending on the circumstances of each case.

If you are unable to return to work following a period of bereavement or compassionate leave you should contact the relevant Headteacher or Deputy Headteacher; It may be appropriate to take a period of sickness absence, annual leave or unpaid leave in those circumstances.

We recognise that it may not always be possible to request bereavement or compassionate leave in advance. However, where possible you should make a request to the Deputy Headteacher by email, giving the reasons for your request. Where it is not possible to request leave in advance you should contact the relevant Headteacher or Deputy Headteacher as soon as possible.

3. Parental Bereavement Leave and Pay

Parental Bereavement Leave came into effect on 6th April 2020, it applies to employees of the Trust only and applies irrespective of how long you have worked at the Trust.

If eligible, you will be entitled to take two weeks' Statutory Parental Bereavement Leave in the event you lose a child under the age of 18 or suffer a stillbirth.

You will be able to take the leave in either a single block of two weeks, or in two separate blocks of one week each, taken within or after 56 days beginning with the child's death but ending no later than 56 weeks afterwards. This means you can match your leave to the times you need it most (for example, in the early days or over the first anniversary).

In addition to this leave entitlement, qualifying parents with at least 26 weeks' continuous service with the Trust and with weekly average earnings over the lower earnings limit, will also be entitled to Statutory Parental Bereavement Pay (SPBP). This SPBP will be paid at the statutory rate set by the Government, or 90% of your average weekly earnings where this is lower.

Where we offer enhanced bereavement/compassionate leave under another policy which is more generous than that offered within the Parental Bereavement Leave regime, you may choose which leave to take to benefit you more. However, you cannot exercise both rights separately in respect of the same child.

4. Time off for Antenatal Care

If you are pregnant, you are entitled to take reasonable time off with pay during working hours to receive ante-natal care. If you wish to take time off for this purpose, we may require you to provide medical certification of your pregnancy and an appointment card (with the exception of the first appointment).

The right to time off for antenatal care also applies to agency workers with at least 12 weeks' continuous service in the same role.

5. Maternity Leave

If eligible, you will be entitled 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave with pay at the current rate of statutory maternity pay.

Please refer to our Maternity, Paternity, Parental, Adoption Leave Policy for further details on the Occupational Maternity Pay scheme and further guidance on maternity leave.

6. Maternity Support Leave

Maternity Support Leave of five days, with pay, will be granted to the child's father, civil partner or partner, or nominated carer of an expectant person, at or around the time of the birth. A nominated carer will be required to demonstrate that they are the primary provider of support for the mother.

If you have a "qualifying relationship" with a pregnant person or your expected child you are also entitled to take paid time off during working hours to accompany a pregnant woman to antenatal appointments, which is limited to no more than two occasions lasting no more than six and a half hours each. This entitlement also applies to agency workers with at least 12 weeks' continuous service in the same role.

7. Paternity Leave

If eligible, you are entitled to take up to two weeks' paid Paternity Leave (consecutive or non-consecutive weeks) following the birth of your child in order to care for the child or support its mother. This also applies to surrogate parents who will be applying for a parental order and who meet the eligibility criteria. Fathers and partners can take their Paternity Leave at any point in the first year after the birth or adoption of their child. The dates of paternity leave should be agreed between the employee and employer.

Paternity Leave is paid at the current rate of statutory paternity pay. However, we offer enhanced paternity pay subject to eligibility criteria as set out below;

The employee must be one or more of the following:

- the father of the expected baby
- married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners

They must also:

- have been continuously employed by The Trust for at least 26 weeks up to any day in the 'qualifying week
- be employed by the Trust at the time of the birth.

Please refer to our Maternity, Paternity, Parental, Adoption Leave Policy for further guidance and eligibility criteria.

8. Adoption Leave

If eligible, you are entitled to up to 52 weeks' adoption leave and 39 weeks adoption pay if adopting a newly placed child. Where a couple adopts a child jointly, only one of you can take adoption leave. The couple can choose which parent takes adoption leave; your spouse, civil partner or partner may be able to take paternity leave, parental leave, or shared parental leave.

If you have a child placed with you under a local authority "fostering for adoption" or "concurrent planning" arrangement, or you are entering into a surrogacy arrangement under which you will be applying for a parental order, you may also be entitled to adoption leave and pay.

Agency workers with at least 12 weeks' continuous service in the same role, and employees, are also entitled to time off to attend adoption appointments. Primary adopters (or those adopting a child alone) are entitled to paid time off on up to 5 occasions in relation to any particular adoption (whether or not they are adopting more than one child). The secondary adopter (usually those intending to take paternity leave) is entitled to unpaid time off on up to 2 occasions. Time off is limited to no more than six and a half hours for each appointment.

Please refer to our Maternity, Paternity, Parental, Adoption Leave Policy for further guidance and eligibility criteria. The statutory right to up to 52 weeks' adoption leave and 39 weeks' adoption pay is available to eligible employees adopting a newly placed child. The statutory right to up to 52 weeks' adoption leave and 39 weeks' adoption pay is available to eligible employees adopting a newly placed child. Where a couple adopts a child jointly, only one of them can take adoption leave. The couple can choose which parent takes leave; the other parent may be able to take paternity leave or parental leave, or, if the child is placed for adoption on or after 5 April 2015, shared parental leave. The statutory right to up to 52 weeks' adoption leave and 39 weeks' adoption pay is available to eligible employees adopting a newly placed child. Where a couple adopts a child jointly, only one of them can take adoption leave. The couple can choose which parent takes leave; the other parent may be able to take paternity leave or parental leave, or, if the child is placed for adoption on or after 5 April 2015, shared parental leave. The statutory right to up to 52 weeks' adoption leave and 39 weeks' adoption pay is available to eligible employees adopting a newly placed child. Where a couple adopts a child jointly, only one of them can take adoption leave. The couple can choose which parent takes leave; the other parent may be able to take paternity leave or parental leave, or, if the child is placed for adoption on or after 5 April 2015, shared parental leave.

9. Parental Leave

If eligible, you are entitled to statutory unpaid parental leave to look after your child's welfare, for example to:

- Spend more time with children
- Look at new schools
- Settle children into new childcare arrangements
- Spend more time with family, such as visiting grandparents

This is in relation to a child under the age of 18 that you have or expect to have parental responsibility for. The right applies in respect of each child and should ordinarily be taken in blocks of one week. A maximum of four weeks of parental leave can be taken in any one year. Where leave is being taken in respect of a disabled child, parental leave may be taken in multiples of one day.

Please refer to our Maternity, Paternity, Parental, Adoption Leave Policy for further guidance and the eligibility criteria.

10. Shared Parental Leave

Shared Parental Leave (SPL) provides eligible spouses, civil partners, partners, adopters and surrogate parents (who will be applying for a parental order and who meet the eligibility criteria) more flexibility in how to share the care of your child in the first year after your child is born or placed with you for adoption.

The option to 'opt in' to SPL applies to parents who meet the eligibility criteria.

In birth cases, SPL allows parents to take up to 52 weeks leave in total on the birth of a child, less two weeks' compulsory maternity leave.

In adoption cases, SPL allows adopters to take up to 50 weeks of the adoption leave entitlement.

There is no autonomous right to SPL; this right will only arise if the mother or primary adopter chooses to curtail their statutory maternity or adoption leave and share the remaining entitlement.

Please refer to our Maternity, Paternity, Parental, Adoption Leave Policy for further guidance and eligibility criteria.

11. Time off for Dependants

All employees have the right to take a reasonable amount of unpaid time off work to deal with certain unforeseen situations affecting their dependants.

Please refer to our Time off for Dependants Policy for further guidance and eligibility criteria.

12. Carer's Leave

You are entitled to one week of unpaid leave every 12 months to give or arrange care for a "dependant" who has a physical or mental illness or injury that means they are expected to need care for more than 3 months, a disability (as defined in the Equality Act 2010), or care needs because of their old age. A 'week' means the length of time you usually work over 7 days. For example, if you usually work 3 days a week, you can take 3 days of carer's leave.

13. Parental Leave for Events

You are entitled to **paid** leave to attend your child's school play, sports day or other significant school event at the discretion of the Headteacher/Deputy Headteacher. Your attendance to date may be taken into account.

14. Emergency Medical and Dental Appointments

Routine dental and medical appointments are not subject to the rules governing sickness absence. Where possible, such appointments should be arranged outside your normal working hours.

Where authorised and at our discretion, you may be granted up to 2 days paid dental and/or medial appointment leave in any 12-month period. This entitlement will be calculated pro rata for part time staff, in accordance with their working days when compared to the full time equivalent.

Special consideration will be given where a request has been made in light of exceptional circumstances or when connected with a disability or pregnancy.

Any time off for routine appointments will be considered at the discretion of the Headteacher or Deputy Headteacher.

15. Disruption to Travel

When disruption to travel makes getting to work difficult or impossible you should inform your Headteacher or Deputy Headteacher.

16. Unexpected Disruption to Holiday Plans

If you experience unexpected delays to flight times/dates or amendments to holiday dates you should notify your line manager and the Headteacher and Deputy Headteacher as soon as possible.

17. Time off to Attend Interviews

If you wish to take time off to attend an interview you must fill in a leave of absence form in advance and submit it to the Deputy Headteacher, giving as much notice as possible of the interview to ensure that any necessary cover can be arranged should the leave be granted. Time off will be granted at the discretion of the Headteacher.

18. Jury service

If you are required to attend court for jury service, you should notify your relevant member of SLT of the date and estimated length of absence immediately on receipt of the jury

summons. The amount of time off will be granted subject to provision of appropriate evidence in the form of the original jury summons.

We are not required to pay you while you are absent on jury service. However, we will pay basic pay to employees on jury service for up to 2 weeks.

You are reminded that you may be able to submit a claim to the court for travelling and food expenses and for loss of earnings (where this applies). The court will supply you with a form which you should ask the HR Manager to complete for you, giving details of your rate of pay. Once completed, you should take this form to the court with you on your first day of Jury Service.

On the first day of return after Jury Service, you should give the relevant Deputy Headteacher details of all the days or half days you were actually in court. If you are not required to appear on a particular day or part-day, you must report for work as normal. If jury service is cancelled or completed earlier than expected, you must inform the Deputy Headteacher and return to work straight away. Failure to do so will render the absence unauthorised and may result in disciplinary action being taken.

19. Public Duties

You are entitled to a reasonable amount of paid time off to perform a public duty, for example, as a member of a local authority or governing body of an educational establishment. However, such time requested will be at our discretion and subject to provision of appropriate evidence. Requests which are considered unreasonable shall be refused.

20. Time off in Redundancy Situations

If you are under notice of termination by reason of redundancy and have at least two years' continuous service on the date that the notice expires, you are entitled to a reasonable amount of paid time off to look for other work or to make arrangements for re-training.

21. Time off to carry out Trade Union Duties

If you are a trade union official or trade union representative elected in accordance with the rules of the trade union, and are concerned with employee relations at work, you have the right to request reasonable time off with pay during working hours to carry out certain trade union duties and undergo relevant training for those duties. Any request for such time off must be made in writing to the relevant Deputy Headteacher or Deputy Headteacher, providing reasonable notice.

This entitlement applies only to independent trade unions recognised by the Trust for collective bargaining purposes.

22. Time off for Health and Safety Representatives

Under the Health and Safety at Work Act 1974 (as amended) a recognised trade union may appoint, or employees may elect, safety representatives from amongst the Trust's employees. These representatives are entitled to carry out relevant activities during what would otherwise be normal working hours.

23. Secondment

Secondment is a prolonged leave of absence which allows you to work for another educational establishment or organisation. You would typically return to your substantive role at the end of the secondment. We will need to consider any request for secondment very carefully due to challenges which may be presented in covering your role whilst you are absent and when reintegrating long-term secondees back into the school. The granting of any secondment and the terms on which such secondment shall take place will be at our absolute discretion.

24. Religious Festivals and Observance

If you have particular religious or cultural needs which conflict your normal working arrangements, you may be allowed to take annual leave, flexi-leave (where applicable) or unpaid leave, subject to service needs, or working arrangements may be adapted to enable such needs to be met, where reasonably practicable. If you wish to take leave in accordance with your religious beliefs, you should submit a written request to the Deputy Headteacher in advance of the time off requested, giving as much notice as possible and no later than 1 week before the event is due to take place.

25. Time off for Training

We are committed to developing the skills of our employees and recognises that training can benefit us and our staff. Staff should receive training appropriate to their role, subject to operational and budgetary considerations.

Members of the Senior Leadership Team are responsible for identifying and monitoring staff training and development needs on an on-going basis in line with the School Improvement Plan.

We recognise that you may wish to further develop your skills. Eligible employees of organisations that employ more than 250 people have a statutory right to request time off work for study or training. This time off is normally unpaid.

If you wish to undertake any form of training relevant to your role, you should raise the matter informally with your Line Manager or Head of Department in the first instance.

26. Examination Leave

If you are studying for qualifications or taking short-courses, you may be granted examination leave to sit an exam at our discretion. You should initially raise this with the Deputy Headteacher as early as possible. If you have entered into a training agreement, please refer to that for further details on what has been agreed.

27. Time off during Term Time

Leave for the purpose of taking holidays or time off to attend events of close relatives in term time will not usually be granted. It is expected that all holidays and other events will be arranged outside of term time.

However, we appreciate sometimes exceptional circumstances may apply which make this difficult (e.g. a wedding, graduation or passing out parade for military service of a close relation).

In very exceptional circumstances, the Headteacher will consider granting unpaid leave if a request is made in writing no less than 2 weeks before the event is due to take place. The granting of such leave is at the discretion of the Headteacher.

28. Moving House

Employees should arrange to move house on a weekend or during Trust's closure periods. Where this is not possible a leave of absence may be requested. 1day's paid leave may be granted at management discretion. Any requests for such leave should be made to the relevant member of SLT in writing as soon as is possible and no later than 1 week before the day of leave is required.