

St Paul's CE (VC) First School Coven



Time Off for Compassionate, Emergencies, Work
break and Public Duties Policy

Updated May 2018

1. Scope of policy

- 1.1 Any reference to 'the employer' refers to Staffordshire County Council. The 'appropriate level of authority' should be determined according to the employer's decision making structure. This policy applies to colleagues of the organisation, referred to in this policy as colleagues.
- 1.2 The policy and procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions.
The procedure does not apply once you have left the employer.
- 1.3 The policy and procedure is commended for adoption by governing bodies for application to all colleagues employed in schools.
- 1.4 This policy covers time off for Compassionate Leave, Emergency leave, public duties and work breaks
- 1.5 For the purpose of this policy, a dependent is defined as your husband, wife, partner, child, parent, step parent, siblings and in-laws. It also includes someone who lives with you e.g. an elderly relative but not tenants and boarders living in your home.
- 1.6 A dependent may also be someone who reasonably relies on you for assistance. This may be where you are the primary carer or you are the only person who can help in an emergency e.g. elderly relative living independently or in supported accommodation.

2. Compassionate Leave (Paid)

- 2.1 Compassionate leave may be granted in certain circumstances of urgent domestic distress.

3. Provisions

- 3.1 You can request to take up to five days paid absence (pro-rated for part-time staff) when a dependant:
 - has a serious illness;
 - is unexpectedly taken to hospital and you are solely or substantially responsible for making the necessary arrangements;
 - dies and you are solely or substantially responsible for making the necessary arrangements;
 - Attending the funeral.
- 3.2 The entitlement (full or pro-rated days) can be taken as single days as circumstances dictate.

3.3 Time off **may** also be granted for attendance at funerals of people other than dependants (for example – work colleagues).

4. Time off for Emergencies (Unpaid)

4.1 You might find that you have to deal with an emergency concerning a dependent for which you need to be absent from work but for which paid leave is not available under any of the County Council's schemes. The County Council will grant a reasonable amount of unpaid leave to deal with these emergencies.

4.2 Provisions

4.2.1 In order to ensure that fairness prevails the following circumstances are given as a guide to when you may take time off:

- a dependent falls ill, or is injured, or is assaulted
- to make care arrangements for a dependent who is ill or injured
- a dependent goes into labour unexpectedly and relies on you to take to them hospital
- to deal with an unexpected disruption, termination or breakdown of care arrangements for a dependent.
- to deal with an unexpected incident involving your child during school hours.

5 How to Apply

5.1 In all circumstances you should, as soon as is practicable, discuss with your Manager / Headteacher the circumstances surrounding your need for time off.

5.2 Managers should consider all such requests carefully and sympathetically taking into account the individual situation and complete the details on form AB300. When considering a request, the manager may request documentary evidence from you in support of your request.

5.3 It is unlikely that a request for Compassionate Leave would be refused but on such occasions the manager should explain carefully the reasons for turning down the request. Managers / Headteachers should seek advice from shared service centre before refusing a request.

6 Other considerations

6.1 There may be occasions where the need for time off is likely to continue beyond the entitled paid absence provided for by this policy (for example where a dependent has a longer term hospitalisation).

- 6.2 In these circumstances careful consideration should be given to other provisions available to assist colleagues such as annual leave, flexible leave, unpaid leave or work breaks.

7 Accountabilities

- 7.1 It is the responsibility of colleagues to discuss with their Manager / Headteacher the circumstances surrounding the need to take time off as compassionate / emergency Leave.
- 7.2 It is the responsibility of Managers / Headteachers to determine, whether the granting of emergency / compassionate leave is appropriate under the circumstances outlined and to inform the employee of that decision.

8. Work break

- 8.1 The workbreak scheme provides colleagues with the opportunity to take a planned period of time off work to concentrate on alternative personal priorities. The primary purpose is to offer colleagues the flexibility to more easily combine family commitments with work, but this also extends to other personal commitments such as travel or voluntary work.
- 8.2 It should be noted that there is no contractual right to take a workbreak and each individual request will be considered on a case by case basis by the Manager / Headteacher.

9. Eligibility

- 9.1 The provisions within this policy may apply to permanent colleagues currently at work* with a minimum of two years continuous satisfactory service with Staffordshire County Council regardless of grade or occupation and subject to agreement from your Manager / Head teacher
(* the provisions of this policy also apply to those currently on Maternity / Adoption/Additional Paternity Leave).
- 9.2 Satisfactory service will be defined as service where:
- There is no current (i.e. unspent) disciplinary action/sanction against the employee.
 - There is no current action under Capability procedure against the employee
- 9.3 These provisions are not applicable to colleagues on temporary contracts.

10. Provisions

10.1 Administering the Workbreak

- 10.1.1 The work break will last for a minimum of 3 calendar months and a maximum of 1 calendar year and will effectively be a period of unpaid leave. There is no requirement for the colleague to resign from their position unless they subsequently decide not to return at the end of their work break.
- 10.1.2 Where circumstances permit, the colleagues position may be filled on a temporary basis (either with a temporary appointment or by another member of staff 'acting up') until such time as the work break comes to an end. The temporary colleague will usually be given a contract to cover the anticipated period of the work break but any variation of this (e.g. the substantive post holder seeks an earlier return) will be subject to one month's notice.
- 10.1.3 At the end of the work break the colleague will normally return to the job they left. If this is not possible, HR should be informed and normal consultation arrangements should be adhered to.
- 10.1.4 When deciding whether to agree to a work break the Manager / Head teacher must consider the feasibility of recruiting a suitable individual to fill the post on a temporary basis whilst the work break is in progress.
- 10.1.5 During the work break the employee has a responsibility to keep their professional skills and knowledge up to date
- 10.1.6 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 Staffordshire County Council / within the school, 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 / Headteacher 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 / INSET days.
- 10.1.7 Colleagues will be paid their full contractual pay for any day worked. Payments made for days will be paid at the end of the work break period. Payment will be paid for actual hours worked. The Local Authority / School has no right to require the employee to carry out any work and the employee has no right to undertake any work, during the work break.

11. Maternity Leave and Work break

- 11.1 Where a work break follows maternity leave Managers / Head teachers

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. A colleague ending her maternity leave who enters into a work break agreement has clearly indicated her intention of returning to work. As such the contractual part of maternity pay (i.e. the period at half pay) can either be paid as soon as statutory pay expires or held in abeyance until the employee returns to employment following the work break. If a colleague fails to return to work at the end of the work break the County Council will take steps to recover the occupational part of maternity pay where it was paid.

- 11.2. Where a colleague 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.

12. Ending the Work break

- 12.1 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 / Head teacher 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 a colleague is unable to return on the agreed date due to sickness or other absence, they must carry out the relevant absence reporting procedure.
- 12.2 If the employee does not intend to return to work following the work break they should inform their Manager / Head teacher of this and tender their resignation from their post giving the appropriate notice period as specified in the individual's contract of employment. This is likely to be a notice period of between 1 and 3 months depending on the individual's contract. 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.
- 12.3 A colleague 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 / Head teacher in writing giving one month's notice that they wish to terminate the work break arrangement and return to work.
- 12.4 A colleague 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.)

- 12.5 When the employee returns to work from a work break the manager/Headteacher should inform HRSSC of their return.

13. How To Apply

- 13.1 If an individual wishes to take a work break they will be required to discuss this initially with their Manager / Headteacher on an informal basis, then submit an application.

- 13.2 In considering whether to agree to a work break, the relevant Manager / Headteacher 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. Furthermore, it is unlikely that a second application would be considered within 5 years of a previous work break having commenced.

- 13.3 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. A sample agreement is found at appendix B.

- 13.4 The work break agreement should be completed by the Manager/Headteacher and the employee and signed by both parties. The agreement should be sent to HRSSC along with the variation form.

14. Other considerations

- 14.1 For colleagues who are essential car users, taking time off on a work break may reduce their business mileage and so could affect the terms of their lease car agreement. These colleagues should speak to the Car Leasing Manager (Fleet Management) to understand what impact it will have.

- 14.2 Taking time off on a work break may also have an impact on a colleague's occupational pension entitlements. Each employee should seek advice from the Pensions Section / Teacher's Pensions before a work break agreement is entered into.

- 14.3 For the first 30 days of the work break pension contributions will be payable by the employee and will be deducted from their final salary prior to the commencement of the work break. Both employee and employer contributions are payable for this period.

- 14.4 During the remainder of the work break colleagues have the option to continue to pay pension contributions if they so wish. NB: if the employee chooses to pay into the pension scheme during the work break the employer must also pay contributions. If the employee decides not to pay the employer does not have to pay into the scheme.

15. Time off for public duties

- 15.1 This covers time off for:

- Public duties
- Courts – justices of the peace, jury service, witnesses
- Reserve forces and peace-time emergencies
- Elections
- Representative sport

- 15.2 The County Council allows colleagues 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, colleagues should claim and pay the allowance to the County Council. All absences will be subject to service needs and must be agreed in advance by the employee's manager.

15.3 Amount of time off for public duties

- 15.3.1 If the manager is satisfied that time off will not be detrimental to the County Council's services, colleagues may be granted:

- i) as a justice of the peace or member of a local authority:
 - up to 18 days and 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.
- ii) 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 eligible to claim under both of the above schemes may only claim up to 208 hours in total.

or

- iii) for other public activities listed below, recognised by the County Council but not specified in the legislation, up to 35 full days or 70 half days with pay can be given. To 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 County Council, whose principal objects 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 colleagues
 - 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 bodies *
 - 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

15.4 How to apply

15.4.1 Applications should be made on the form set out as in the Appendix, these should be submitted annually to your line manager.

15.5 Public duties – Schools

15.5.1 The County Council's scheme for time off for public duties is a collective agreement and applies to all colleagues in schools. Approval of time off, arrangements for cover, and monitoring are matters for the Governing Body. Cover for any time off granted will be paid from the school's allocated budget. Governors should inform the shared service centre whenever a school employee is granted time off without pay under this policy.

15.6 Jury service

15.6.1 Where a colleague receives a summons to serve on a jury, they should report that fact immediately to their manager. Leave of absence will be granted unless an exemption is secured. Although not obliged under law, paid leave of absence will be granted to colleagues undertaking jury and other public service.

When summoned for Jury Service, a colleague 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 the Shared Service Centre along with the Notification of Jury Service.

15.6.2 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.

15.6.3 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 'loss' 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 an 'Advice Slip' explaining how the payment has been calculated.

15.6.3 The employee should send the 'Advice Slip' to shared services who will then make arrangements for the 'loss of earnings payment' to be reclaimed by Staffordshire County Council. The employee will keep any travelling and subsistence expenses they have claimed from the court.

15.6.4 A contribution is payable to schools from a central budget towards the cost of employing supply teachers whilst teachers are absent on jury service. The Shared Service Centre should be advised of the total number of working days involved, upon conclusion of the jury service, together with details of the name of the teacher and their pay reference number.

16. Witnesses

16.1 Colleagues called to be witnesses, defendants, or plaintiffs, for the County Council will be granted paid leave to attend court. Time off with pay will not be granted in respect of cases personal to the employee, but managers should facilitate availability to attend court.

16.2 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 an unauthorised absence and the employee will not be paid for this time.

17. Reserve Forces

17.1 Mobilisation

17.1.1 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 from shared service centre on an individual basis.

17.2 Training

17.2.1 Volunteer Reservists may be required to undertake training for up to 16 days per annum. This is usually undertaken on Saturdays and Sundays. 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.

17.3 Annual camp

17.3.1 Colleagues in the Territorial Army and Volunteer Reserve who are required to attend annual camp are allowed the two weeks as additional leave with pay.

18. Peace – Time Emergencies

18.1 Colleagues 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.

19. Elections - assisting at the poll/count

19.1 Colleagues may be granted paid leave to assist in the poll or the count at elections. 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 policy HR 82 regarding Politically Restricted Posts. (Local Government and Housing act 1980).

19.2 Candidates – local elections

19.2.1 One day's leave of absence without pay (the polling day) will be granted to a colleague who contests a local election

19.3 Candidates – Parliamentary and European elections

19.3.1 Colleagues who stand as candidates at a General Election or a European Election will be granted leave of absence without pay for the period from nomination day to polling day inclusive.

19.4 Parliamentary Agents

19.4.1 Leave of absence without pay from nomination day to polling day inclusive will be granted to colleagues acting as Parliamentary Agents.

19.5 Party Political Conferences

19.5.1 Leave of absence is **not** granted to colleagues to enable them to attend party political conferences.

20. Representative sport

20.1 SLT members / School Governing Bodies have discretion to grant leave with or without pay to colleagues who are selected to represent their county or country in representative sport. If it is “professional” sport, leave will be without pay.

21. Accountabilities

21.1 Colleagues are responsible for:

- Ensuring that public duties undertaken do not conflict with the work of, nor draw into question their loyalty, to the County Council.
- Submitting applications for time off in the prescribed manner, and for claiming loss of earnings allowances wherever possible.

21.2 Managers are responsible for considering applications for time off in accordance with service and legal requirements and within the policies set by the County Council / School Governing Bodies.