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RISHWORTH SCHOOL

DISCRETIONARY LEAVE POLICY

Distribution: Staff Policy Library

Note:

1. Introduction

1.1. Rishworth School recognises the diverse workforce it employs which includes a high percentage of people with caring responsibilities, as well as those with other personal commitments, who may require a leave of absence to deal with matters that fall outside of the Family Friendly Leave Entitlements Policy.

1.2. Rishworth School will, wherever possible, seek to achieve a balance between home and work, and whilst every effort will be made to grant leave in line with this policy, it is recognised that some requests for leave may not be approved.

1.3. All decisions made under this policy will be fair and consistent, taking into consideration the impact of the request on the school. It is recognised that, on some occasions, circumstances may arise that are not covered in this policy. In this case, the final decision on granting leave of absence will be at the discretion of the Head.

1.4. All policies are available on request from the Finance & Operations Director.

1.5. The examples of discretionary leave provided within this policy are non exhaustive and where circumstances arise which are not identified in this policy the Head has the authority to decide on whether or not leave is granted, and whether it is with or without pay.

1.6. This policy also sets out what you must do if you need to take a leave of absence because you have a personal emergency.

1.7. Leave for the following reasons are covered by separate documents:

- Maternity/paternity/parental/shared parental/adoption/Ordinary Parental leave
- Compassionate Leave
- Flexible working

1.8. This policy applies to all Rishworth School employees, is non-contractual, and may be amended at any time.

2. Decision Making

2.1. Under the Employment Rights Act 1996, as amended, employees are entitled by law to take reasonable unpaid time off work to deal with unexpected or sudden emergencies involving dependents and to make any longer-term arrangements. This right to time off arises in circumstances

such as death, sudden illness/hospitalisation, injury or assault of a dependent, or the unexpected disruption of a dependents care arrangements.

2.2. In the interests of equality, fairness, and consistency, decisions made regarding requests for discretionary leave of absence will be made within the framework of this policy, which adheres to specific legislation and relevant conditions of service.

2.3. Continuity of business is a vital component in the considerations given to requests for absence, so it is to be expected that should multiple absences citing a variety of reasons be made during a 12-month rolling period, there may be grounds for refusal.

2.4 It is an expectation that absence from school be minimised, so that non-urgent appointments are rescheduled out of School time, for example.

2.5 Application for absence under false pretences would occasion disciplinary action, most probably as being gross misconduct.

2.6. A dependent for this policy is anyone who is considered by the employer to reasonably rely on the employee

2.7. Immediate family members for this policy is;

- Father
- Mother
- Parent's spouse, if a parent has remarried
- Child (by blood, adoption, or marriage)
- Brother
- Sister
- Spouse
- Grandparent
- Grandchild

3. Procedure

3.1. Except in emergencies, authorisation to take a period of discretionary leave must be requested from your Head/Finance & Operations Director as soon as the need for the leave is known using the form in Appendix 1. Where the leave of absence request is made by the Head, the request should be submitted to the Chair of Governors.

3.2. Non-emergency leave must not be taken until it has been formally approved on the form in Appendix 1. Travel arrangements related to proposed leave should not be made until written authorisation has been given.

3.3. Where an emergency arises you must notify your Head/Finance & Operations Director as soon as is reasonably practicable. In exceptional circumstances, a friend or family member may notify your manager on your behalf. The reason for absence and the anticipated duration must be provided. Employees and their managers should keep in touch during the absence, in particular employees should keep managers informed of any changes to their situation regularly.

3.4. Where a leave of absence request is refused there is a right of appeal. Any appeal must be made on the form in Appendix 1 within 10 days of receipt of the decision.

3.5. The purpose of the appeal is to review the decision made, to consider any procedural errors and any new evidence that was not previously available.

3.6. The appeal will be heard by an individual/individuals who represent a point of escalation from the original decision-maker. For example, where the decision maker was the Head, Governing Body members may hear the appeal. The outcome of the appeal is final. The format of an appeal hearing is outlined in Appendix 2.

3.7. A confidential record of requests for leave of absence and whether or not the request was granted will be maintained by your place of work. Members of occupational pension schemes should be aware of the impact of taking unpaid leave on their pensionable service.

3.8. The table in Section 4 reflects the school's position in relation to all aspects of Leave/Absence outside of individual sickness absence. It has been produced to ensure that Rishworth School adopts a consistent approach to dealing with requests for leave and in addition decisions on pay.

3.9. If an unpaid absence is short enough to be covered within a staff member's PPA time, and they are not required for cover duties, and all PPA responsibilities will be fulfilled at another time, the Head and Finance & Operations Director may approve the absence as paid time in lieu.

4. Leave of Absence Reference Table

All stated periods refer to a rolling twelve-month period. Leave Duration Paid/unpaid

Leave	Duration	Paid/unpaid
1. **Emergency & Compassionate Leave**		
Dependent care leave - employees may only take paid time off to provide personal care where there is an immediate crisis.	In normal circumstances not more than 1-2 day on each occasion, up to 5 days.	Up to 3 days paid
There is a statutory right to take the reasonable unpaid leave-see section on statutory leave	Up to a maximum of 3 days	Further leave will be unpaid
Unforeseen personal emergencies i.e. an event which, if the response were to be delayed, would result in significant personal loss to the employee such as fire or flood	1 day In exceptional circumstances, additional leave may be granted	Paid Unpaid
Leave	**Duration**	**Paid/unpaid**
Compassionate Leave/Bereavement-Death or serious illness of an immediate relative/dependant	Up to 5 days including funeral attendance, in exceptional circumstances 10 days may be granted	Up to 5 days paid
Funeral-non-immediate family/friend	1 day	Unpaid
Parental Bereavement Leave-This applies to employees who suffer the loss of a child Whatever your length of service, you can take this type of leave if you are the parent of the child	In this extreme circumstance, leave will be offered on a case-by-case basis, with the wellbeing of the employee at the centre of the decision making and is completely at the discretion	Employees will be entitled to at least a minimum of 2 weeks statutory as paid

who has passed away or the partner of the child's parent. In general, you can take this type of leave if you have parental responsibility for the child. This includes adoptive parents.	of the Head/Finance & Operations Director.	
2. Health/Welfare appointments		
Medical and dental appointments: **Where possible, staff should book routine medical and dental appointments outside of working hours. If this is not possible (e.g. for hospital or specialist appointments) staff should:** • **Where possible, book appointments for early in the morning, lunch time or end of the day so it causes minimal disruption to the working day** • **Speak to their line manager, who may agree to time off. Staff may need to provide proof of the appointment**		
Attendance at elective / routine GP/Dental/Physiotherapy/Optical appointments	Employees are expected to arrange routine appointments in their own time. Time off to be agreed only where this cannot be arranged outside of work time.	Up to 3 appointments paid Where further appointments are required these will usually be unpaid
Attendance at specialist / hospital appointments	As reasonably required Proof of appointment must be provided at the time the request for leave is submitted.	Specific medical requirements should be discussed with the Head/Finance & Operations Director
Fertility/IVF Treatment		
Cancer screening	As reasonably required Proof of appointment must be provided at the time the request for leave is submitted.	Paid
Absence related to gender reassignment:	**Staff members who are due to undergo, or are in the process of undergoing, gender reassignment should discuss with the Head or Finance & Operations Director their needs for time off. Our school may accommodate those needs as far as these are possible.**	
3. Domestic/Personal Reasons for Absence		
Moving house where it cannot be arranged for a non-working time	1 day	Paid
Accepted impossible travel because of weather or other public crisis.	Period reasonably necessary but not normally more than 2 days.	Up to 2 days paid

Any personal reason other than those above which it was not possible to schedule for a nonworking day e.g. driving test, important one-off family occasions, representative sport, graduation.	Up to 3 days	Unpaid
Interview/s	As reasonably required however normally no more than 3 days.	Paid
Individual, non-work related qualifications/examinations/study	Discretionary	Unpaid
Leave	**Duration**	**Paid/unpaid**
5. Statutory leave		
Statutory Dependent Care Leave- • assist when a dependent falls ill, gives birth, is injured or assaulted; • make longer-term care arrangements for a dependent who is ill or injured; • take action required in consequence of the death of a dependent; • deal with the unexpected disruption, termination, or breakdown of arrangements for the care of a dependent; and/or • deal with an unexpected incident involving their child during school hours (or those of another educational establishment).	Up to 3 days Further leave will be based on the reasonableness of the leave. The below will be considered: • How much time off is reasonably required • How much time off you have already taken • How your absence will affect the school/academy	Up to 3 days paid, inclusive of leave taken due to illness or injury of a dependant. Further absences will be unpaid.
Jury Service You must inform your line manager as soon as you are summoned for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form	Where a jury service session lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your Head regularly informed about how long you are likely to be away from work.	As required - paid, less court allowance
Witness / court summons	As required	Paid
Parental Leave (this is applied across a child's life from birth to 18:	Up to 18 weeks, in blocks of 1 week	Unpaid
Leave	**Duration**	**Paid/unpaid**
Absence for Public Duties Employees are entitled by law to a reasonable amount of unpaid	As soon as you are aware that you require time off for the performance of a public duty you must request a	The Head will agree to requests for **paid** time off to undertake public duties

leave to carry out certain public duties. Public duties include serving as a • Tribunal member • Magistrate • Local councillor • Member of an NHS Trust • Prison visitor • Lay visitor to police stations • School governor • Lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody; • Members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate; • Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports; and • Independent prison monitors in Scotland appointed under section 7B (2) of the Prisons (Scotland) Act 1991.	leave of absence using the form in Appendix 1.	wherever reasonably possible having regard to: • Whether the activity is reasonable in relation to your employment • How much time off is reasonably required for the duty in question • How much time off you have already taken for the public duty in question • How your absence will affect the school
Reserve forces	As reasonable	Unpaid
Religious Observance / Festivals	As reasonable	Unpaid