



Version Control	Changes Made	Author
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Introduction

1. Within this document you will find information and guidance on the options available for employees to request time off work, which are in addition to the relevant annual leave provisions. Time off can usually be taken in days or hours depending on the working pattern.

Scope

2. The time off provisions outlined in this guide are applicable to all employees of the county council and all school based staff for whom there is no specific procedure laid down in national or local conditions of service.

It is expected that governing bodies of all community and voluntary controlled schools will adopt this procedure. Foundation and voluntary aided schools and academies are encouraged to do the same.

3. Where provisions exist within national terms and conditions for specific staff groups these will be highlighted in the relevant sections. Where throughout this document there are references to the Line Managers in the case of schools this should be interpreted as the Head Teacher or Governing Body. In all cases an application must be made to the relevant manager or the Head Teacher.

- 4 In all cases the Service concerned, or the School, is responsible for the costs of any cover arrangements which may be deemed necessary.
- 5 It should be noted that the annual leave year may be different in some service areas and any reference to the annual leave year should take this into account.

Principles

- 6 The provisions for time off are not intended to replace the need to use annual, flexi or unpaid leave (where these are available), but to lessen the burden on employees. All requests for time off will be considered carefully and sympathetically, taking into account the needs of the service. The provisions do not cover all eventualities, nor prescribe time off in a rigid way. They do aim, however, to promote a consistent and fair approach whilst dealing with each application on its own merits.
7. Time off in relation to sickness absence is distinct from other time off provisions. This document does include guidance on paid time off for hospital and medical screening appointments.
8. It is recognised that people can suffer distress from time to time in their personal lives. This guidance encompasses a mix of statutory and local provisions. It enables line managers to exercise compassion as a good employer and allow employees to take time off to deal with domestic incidents.
9. Approval to take time off is subject to the needs of the service, the reasons for the request, and working arrangements.
8. As with all absences, line managers will maintain records of occasions when time off is granted using the appropriate recording system.
9. Some provisions are statutory and some are at the discretion of the Line Manager. Requests for non-statutory time off for specific reasons may be with or without pay and this document aims to give guidance in dealing with such requests.
10. Due to operational demands it is not possible for every time off provision to apply in all settings.

Should further clarification be required in relation to this guidance please contact the council's People Management team/your School HR provider/Diocesan Officer.

Should further clarification be required in relation to the consultation and / or implementation process please contact your Directorate HR Team/School HR provider/Diocesan Officer.

For Schools:

Name of School:	Walton & Lees Hill CE Primary School
Date by which School have adopted procedure:	30 th April 2020
Signature of Chair of Governors	<i>M Alston</i>

Contents

Scope	1
Principles	2
1. Annual leave	5
2. Flexi time	5
3. Family Leave	5
4. Foster Care	5
5. Career break	5
6. Religious Holidays	5
7. Personal Medical/Dental Appointments	5
8. Disability Leave	6
9. Hospital appointments and Medical Screening	6
Elective/Cosmetic surgery	6
Gender reassignment	6
Fertility Treatment	6
10. Paid Time Off for Urgent Domestic Leave	7
11. Statutory Provision for unpaid time off to care for dependants	7
12. Stuck not sick	8
13. Weather	9
14. Special Events	10
15. Volunteer Reserve Forces	10
16. Volunteer Emergency Services	10
17. Special Constables	10
18. Court Appearance	11
19. Jury Service	11
20. Acting as a Court Witness	12
21. Leave to Attend Job Interviews	12
22. Public Duties	12
23. Duties as a Partner to a Mayor/Mayoress or as a Deputy Mayor/Mayoress	13
24. Election Leave	13
25. School Governors	13
26. Right to Request Training	14
27. Study Leave and examinations	14

28. Under Notice of Redundancy	14
29. Trade Union Conferences, Committees and Special Meetings	14
30. Trade Union Departmental Committees	15
31. Trade Union Members	15
32. Trade Union Officials	15
33. Trade Union Safety Representatives	16
34. In a school setting the following may apply.....	16
Holidays during term time	16
Awards Ceremonies.....	16
House removal/relocation.....	16
Weddings / Civil Partnership	16

1. Annual leave

Provisions for annual leave are outlined in the Annual Leave and Public Holiday guidance as per the relevant terms and conditions of employment for different categories of staff.

2. Flexi time

The aim of the flexi time scheme is to encourage a greater work life balance. Flexi time is not applicable in all settings. Refer to the flexi time scheme for further details.

3. Family Leave

Further guidance on the following procedures can be found in the relevant document on InTouch or the School Portal

- Maternity Leave and Pay
- Adoption Leave
- Paternity Leave/Maternity Support Leave
- Additional Parental Leave

4. Foster Care

Up to 5 days (pro rata for part time staff) additional paid leave of absence per year can be granted to any member of staff undertaking training relating to their role as a foster carer (or applicant foster carer). For any member of staff who is following the Fostering to Adopt process the adoption procedure would apply.

5. Career break

A career break is designed to provide employees with the opportunity to take an extended unpaid break of between 3 and 12 months. Details can be found in the Work Life Balance procedure.

6. Religious Holidays

All requests for time off will be considered carefully and sympathetically. There is no automatic right to time off to observe religious holidays and the Equality Act 2010 protects both individuals with a religion or belief and those without a religion or belief.

All employees, whatever their religion or belief, will be treated equally in this respect and time off and annual leave requests should be submitted for approval in the usual way.

7. Personal Medical/Dental Appointments

There is no entitlement to time off with pay for routine doctors or dental appointments. There is an expectation that such appointments will be made in the employees own time. Where time off is required to attend an emergency medical or dental appointment paid time off will be granted.

8. Disability Leave

Provisions for Disability Leave to enhance the support and assistance available to disabled employees are outlined in a separate Disability Leave Procedure.

9. Hospital appointments and Medical Screening

The expectation would be that employees will try to arrange all hospital appointment outside of working hours in order to cause minimal disruption to the service. Where appointment times are determined by the hospital/doctor and it is not possible for the employee to specify the date and time of the appointment paid time off will be granted.

The employee should give their line manager as much notice as possible to allow for any changes to rota/working patterns to be put in place.

Elective/Cosmetic surgery

Elective surgery is surgery that is not considered to be medically necessary. This includes cosmetic surgery, which is concerned with the enhancement of appearance through surgical and medical techniques. This type of elective surgery should not be classed as sick leave and paid time off will not be applicable, unless the employee is undergoing elective surgery at a doctor's recommendation in which case the normal provisions for hospital appointments will apply. Any subsequent sickness absence due to the effects of treatment eg a complication following surgery, will be classed as sick leave and normal sick pay provisions will apply.

Gender reassignment

The Equality Act 2010 protects anyone who proposes to start, starts or has completed a process to change their gender from discrimination.

Any time off an individual needs because of gender reassignment issues, such as counselling, advice or surgery is protected under the Equality Act and will be treated in the same way as absence because of sickness.

It is recognised that the transition process and the time it takes will be unique to each individual and once an employee confirms that they are starting, or have started, the process of transitioning a confidential action plan will be agreed to manage their transition at work and any time off which is required.

Additional guidance and support will be made available to both employees and line managers and where employees reveal information about their gender identity this will be kept confidential and will not be revealed to anyone without the employee's consent.

Line managers will support employees through the transition process and fully respect their individual circumstances and always seek the employee's consent in all relevant matters.

Fertility Treatment

There is no statutory right for employees to take time off work to undergo investigations or treatment. However up to 5 days (pro rata for part time staff) additional paid leave of absence per

year can be granted to any member of staff undergoing fertility treatment. Flexible working arrangements should also be considered.

The expectation would be that employees will try to arrange all hospital appointments outside of working hours in order to cause minimal disruption to the service. Where it is not possible for the employee to specify the date and time of the appointment paid time off will be granted as outlined in point 7.

Any sickness absence due to the effects of the treatment will be recorded in the normal way.

Following implantation a pregnancy may or may not occur, but the woman is regarded as being pregnant from the point of the implantation, and is protected under the Equality Act 2010 pregnancy legislation. Employees should notify their employer once they have reached this stage.

If the treatment is successful and the woman remains pregnant the normal maternity provisions will apply. If the treatment is unsuccessful, the Equality Act provisions will end two weeks after confirmation of a negative pregnancy test.

10. Paid Time Off for Urgent Domestic Leave

Senior Managers/headteachers may grant discretionary paid leave in respect of urgent domestic reasons. A maximum of 7 working days' time off with pay may be granted to any full time employee in any 12 month rolling period, pro rata for part time employees. This will not be unreasonably withheld.

Employees should where possible confirm the request with their line manager at the earliest opportunity.

Paid leave in excess of 7 days shall require the prior approval of a senior manager/headteacher.

The number of days paid leave granted will take into account the closeness of the employee to the individual/event in crisis, and the impact of the crisis on the employee.

Where a request for time off for Urgent Domestic Leave is declined then the manager/headteacher will provide the employee with written reasons of the grounds for the refusal.

Any time off for urgent domestic leave should be recorded as paid absence in the normal way.

11. Statutory Provision for unpaid time off to care for dependants

Employees have a statutory right to take a short amount of **unpaid** time off during working hours when it is reasonable for them to do so in order to take action which is necessary:

- to provide assistance when a dependant falls ill, gives birth or is assaulted;
- to arrange care for a dependant who is ill or injured;
- where arrangements for care of a dependant are unexpectedly disrupted or terminated;
- as a result of the death of a dependant; and

- to deal with an incident involving the employee's child which occurs unexpectedly when s/he is at school.

A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on the employee for care

In order to take time off the employee must tell their line manager the reason for the absence and how long it is expected to last as soon as reasonably practicable.

Leave granted under this provision may be granted as and when required, there is no prescribed maximum number of instances per leave year.

Leave taken under this provision should be recorded as unpaid Time Off.

12. Stuck not sick

The Stuck Not Sick procedure is available to all employees, though is more likely to be used by employees without a flexi time scheme in operation. Hours taken using Stuck Not Sick are repaid within an agreed time frame.

We all encounter problems from time to time, often with little or no notice, for example:

- the car doesn't start
- a child minder doesn't arrive
- the washing machine breaks down and the kitchen is flooded

For these and many other problems, employees need time off from work. The Stuck Not Sick procedure enables an employee to take the time off they need to deal with a crisis, however there is a contractual requirement to repay these hours at a later date. Stuck not sick is in addition to the statutory right for unpaid time off to deal with dependants.

A limit of 15 hours stuck not sick time applies for employees on whole time contractual arrangements. Part-time employees enjoy the same benefits of the scheme on a *pro rata basis*. Longer periods of time off can be dealt with using other leave procedures. *Stuck time is for a short term crisis only.*

Process

The Stuck Not Sick arrangements are available to all employees, though they are more likely to be used by employees without a flexi time scheme in operation. Hours will be taken and repaid within an agreed time frame.

1.1 Notification and agreement of arrangements

Employees will telephone their line manager to discuss their need for stuck not sick hours and where possible (subject to service need) they will be granted. Employees will only be paid their normal contractual hours for that day i.e. not any additional hours scheduled. If the hours would normally attract a sessional payment i.e. nights, Sunday or Bank Holiday they will not be paid as they have not actually attended work. When they repay the hours they have already been paid however, if they work at a time that would attract a sessional payment then this will be paid.

A limit of **15 hours** stuck not sick time will be applied for employees on whole time contractual arrangements. This means that the maximum stuck time an employee can owe at any one time is 15 hours. In normal circumstances, no further stuck not sick hours will be agreed until any outstanding hours have been re-paid.

1.2 Repayment of hours

When an employee returns to work, they must meet with their line manager and agree ways in which the stuck not sick hours taken will be repaid. Managers will agree with employees a payback period (this would not normally be longer than 12 months). If the hours cannot be paid back within the period, the overpayments procedure will be considered.

The method of repaying stuck hours should be agreed in consultation with the employee and will be subject to operational requirements. Options on how to repay stuck hours include:

- Working extra hours to repay stuck hours
- Working additional shifts to repay stuck hours
- Use of annual leave
- Flexi credit hours
- Unpaid leave

For those employees who work fixed hours or shifts, or where the opening times of establishments restricts the ability to work additional hours, alternative arrangements for repayment of stuck hours may be considered by agreement between the manager and the employee, this may include the opportunity for cross-service working to repay stuck hours. All Stuck not Sick agreements should be recorded as absence.

13. Weather

In cases of extreme weather conditions or other exceptional circumstances outside anyone's control, employees may have difficulties in getting to work.

In such circumstances the key principle is that employees and line managers should agree what arrangements are reasonable in the circumstances. Employees should make every effort to attend for work and they should ensure that their line manager is kept fully informed of the situation, however it may be necessary for them to take time off. In exceptional circumstances, if a workplace is closed and no other alternatives are available/appropriate, paid time off will be given. However this should be reviewed on a daily basis.

Guidelines for dealing with this are available at: [Bad Weather Guidance](#) and the schools portal.

Where extreme weather results in the closure of a school, arrangements will be made by the Headteacher and in line with Department of Education guidance.

14. Special Events

It is recognised that there may be occasions such as major national sporting events or other events of national significance when employees may wish to take time off work. Guidance in relation to this can be found at: [Special Events Guidance](#) and the schools portal.

15. Volunteer Reserve Forces

Subject to the needs of the service, volunteer reservists who attend summer camp will be granted 5 days additional leave.

Exceptionally, additional paid leave may also be granted to volunteer reservists who are required to undertake training additional to attendance at summer camp and who are unable to arrange for such training to be on days when they would normally not be working. Requests for time off must be supported by documentation from the Commanding Officer confirming that the training cannot be otherwise arranged and giving alternative dates so that mutually acceptable dates can be identified.

Volunteer reservists may be called up to supplement the regular forces when required, if they are mobilised they will carry out the same roles as a member of the regular force.

If a reservist receives the call-out notice, they should inform their employer immediately.

There is no right to accrue annual leave while away on military service, reservists when they demobilise will get a period of post-operational leave. Reservists will be continued to be paid by the MOD during this time.

16. Volunteer Emergency Services

Subject to the needs of the service, employees who volunteer with emergency services will be granted 5 days additional leave in respect of any mandatory training which is relevant to the role.

Employees should meet with their line manager to discuss the impact of emergency volunteering role on their work role with a view to reaching an agreement on how this will be managed. Further advice can be obtained from the council's People Management team/your School HR provider/Diocesan Officer.

17. Special Constables

Employees who are Special Constables shall be granted one week's paid leave to undergo necessary training.

Special Constables attending as witnesses at trial would be required to make use of their annual leave and flexitime entitlements. Alternatively, at the discretion of their Senior Manager unpaid leave may be granted.

18. Court Appearance

An employee attending court as a witness, as a direct consequence of their employment with the Council, will receive normal pay (and normal expenses where these are necessarily incurred). In all other circumstances time off to attend as a witness or litigating on your own behalf will be without pay. Appearance as the accused or as the plaintiff will be without pay. Annual leave or flexi leave will normally be granted as an alternative if requested.

19. Jury Service

When an employee receives a letter calling them up for Jury Service they should contact their line manager, as soon as possible, to request the required time off and should also provide their manager with a copy of the court summons. The manager should retain a copy of the form for their own records and forward the original to the Service Centre/HR and Payroll Provider.

Employees are entitled by law to have time off for Jury Service and, therefore, requests for such time off will not normally be refused. Employees will not be required to make up the time taken off.

In very exceptional circumstances if the individual's absence from work at that time would be likely to cause substantial problems to the Council's business, an application may be made to the court to excuse the individual from Jury Service. In these circumstances advice should be sought from the People Management team.

Employees will continue to be paid whilst on jury service at their normal rate of pay. Where an allowance is claimable for loss of earnings the employee should claim this allowance and any monies received from the court in respect of loss of earnings will be deducted from salary.

The Service Centre/HR and Payroll provider will issue a form to the employee for them to hand in to the Court. Part I of the form will certify the employee's daily rate of pay; Part II of the form is completed by the Court and will show any payment made for loss of earnings. This will be returned to the employee.

The employee should then send Part II of the form to the Service Centre/HR and Payroll Provider so that the equivalent amount can be deducted from their next salary. Any additional payments which the employee has received for expenses or travel will not be deducted

If on any day during the Jury Service period the employee's services are not required at the court they will be expected to return to work for that day.

If on any half day the employee's services are not required at the court they may be required to return to work for the remaining part of the day. Whether this is reasonably practical is dependent on the nature of the employee's work.

Under pension regulations, payment of contributions must be paid by an employee for all periods of absence arising from Jury Service and will be made through salary in the normal way.

20. Acting as a Court Witness

Similar arrangements will apply to those described above for Jury Service. However, it is likely that the time-off required will be much shorter than that required for Jury Service.

Before allowing paid time-off managers will need to ask for confirmation from the employee that they have been subpoenaed as a court witness. If they have not been subpoenaed and are acting as a witness on a voluntary basis, they will be expected to use annual leave or flexi-time or to take the time as unpaid leave.

Any employee who has a query on any of the above provisions should discuss this with their line manager in the first instance.

21. Leave to Attend Job Interviews

Employees invited to attend job interview within Cumbria County Council will be granted reasonable time off for each post. Reasonable time off without pay will be allowed for all other interviews. Alternatively, employees may use annual leave or flexi leave (if a flexi scheme is in operation) as appropriate

Employees under notice of termination of employment on the grounds of redundancy shall be entitled to additional support this includes paid time off to seek work. Refer to the Managing Change procedure and guidance for further details.

22. Public Duties

By virtue of Section 50(1) of the ERA, an employer shall permit an employee who is a **Justice of the Peace or Magistrate** to take time off during the employee's working hours for the purpose of performing any of the duties of office. The right includes time spent sitting in Court and attending the required training sessions, plus visits to various prescribed institutions.

Membership of various committees, such as the Probation Committee and a panel such as the Youth Panel of the Court are also covered.

For employees who are a **Member of a Local Authority** (as defined by Section 40 of the Local Government Superannuation Act 1937), leave with salary up to a maximum of 208 hours (approximately 28 days), (pro-rata for part-time employees) may be granted in any one year, together with such additional leave without salary as may be necessary (subject to Departmental/Unit requirements) for duties and attendance at meetings as a member of a Local Authority or of any Committee or Sub-Committee thereof. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing authority.

Under Section 50(2) of the ERA further categories of membership are identified which give employees a statutory right to time off. These are **Membership of a Statutory Tribunal, an independent monitoring board of a prison Visitors or a prison visiting committee, a relevant**

health body, a relevant education body, the Environment Agency or the Scottish Environment Protection Agency, or Scottish Water.

The amount of time off which an employee should generally be permitted for public duties is that which is reasonable in all the circumstances having regard in particular to:

- How much time off is required for the performance of the duties of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty.
- How much time off the employee has already been permitted for public duties, or for trade union duties or activities?
- The circumstances of the employer's business and the effect of the employee's absence on the running of the business.

23. Duties as a Partner to a Mayor/Mayoress or as a Deputy Mayor/Mayoress

An employee undertaking duties in the role of partner to a Mayor/Mayoress (or as a Deputy) should be allowed time off without pay. There is no specific limit to the amount of time but it should be that which is reasonable in the circumstances.

24. Election Leave

- Staff assisting as Presiding Officers, Poll Clerks and Counting Assistants will be granted Leave with pay for duties in connection with European, Parliamentary and Local Council Elections, subject to approval by the Manager/Headteacher.
- Prospective Parliamentary Candidates will be granted unpaid leave from nomination day until the day after the election.
- Local Council Candidates will be granted unpaid leave for polling day.

In cases where the workplace is closed due to use as a Polling Station, arrangements should be made where possible for employees to work in an alternative location. Where this is not possible paid leave will be granted. Arrangements in schools will be in line with Department of Education guidance.

25. School Governors

Employees appointed as School Governors may be granted up to a maximum of 10 half days (5 days) paid leave per annum per school.

Additional leave without pay may be granted as necessary by the Senior Manager subject to the exigencies of the service and Directorate requirements.

26. Right to Request Training

With effect from 6 April 2010 the statutory Right to Request Time Off for Study was introduced. Eligible employees can submit a request for time off for any study or training that they believe will improve their effectiveness in the organisation and the performance of the business. The Council is not obliged to automatically agree to such a request but is under a duty to consider and discuss the request with the employee. In order to qualify to make a request under the Act an employee will have to have been in employment with that employer for over 26 weeks.

27. Study Leave and examinations

Employees undertaking an approved and relevant correspondence course should be allowed up to 1 half day per week paid leave for private study.

Paid leave will be granted for the purpose of sitting approved and relevant examinations.

In addition up to a maximum of three days paid leave (dependent upon the number of examinations being taken) may be granted for the purpose of revision for the final examinations, this will be at the discretion of the relevant manager/headteacher. Normal reasonable time will be one day per final exam.

Apprentices should spend 20% of their time on off the job training.

28. Under Notice of Redundancy

An employee who has been given notice of redundancy must be allowed to take a reasonable amount of time off, with pay, to look for new employment or to make arrangements for training for future employment.

This right is dependent on the employee having at least one year's continuous employment by the date on which notice is due to expire, or by the date on which it would expire had the statutory minimum period of notice been given.

29. Trade Union Conferences, Committees and Special Meetings

Requests by the Trade unions to seek time off with pay to allow representatives to attend annual conferences, local government group meetings or special meetings (e.g.; to discuss a pay claim) are normally made "en bloc" direct to People Management. Services will be advised and consulted before replying to the Trade Union, with regard to:

- (a) the appropriateness of the request;
- (b) any restrictions on the granting of leave in view of:
 - the exigencies of the service
 - the length of time off allowed
 - the number of employees affected

Senior Officers are authorised to grant individual requests for paid leave for other approved Trade Union activities such as National or Provincial Council Meetings.

30. Trade Union Departmental Committees

Only in exceptional circumstances should Departmental Trade Union Committees be permitted to meet in work time; the exception being where a Corporate Director has put a proposal which affects the staff of their Service to the Departmental Committee for their consideration and comment. Where a divisional or district representative has to travel for a meeting of the Departmental Committee, travel will be allowed in work time to get to the meeting.

31. Trade Union Members

Employees who are Trade Union members should be allowed to take reasonable time off work to take part in the following Trade Union activities:

- (a) to take part, as a representative or delegate, in meetings of the Trade Union Executive Committee or Annual Conference.
- (b) voting at the workplace in union elections;
- (c) to attend union meetings called during working hours.

Such time off will normally be without pay unless otherwise agreed and be subject to the prior approval of the Department/Unit concerned and operational exigencies.

There is **no right** to time off for Trade Union activities which themselves consist of industrial action. Therefore time off would not, of course, include taking part in a strike or other industrial action.

If an official or a member of a union is refused time off for Trade Union duties/activities then they have the right to complain to an industrial tribunal within three months of the refusal.

32. Trade Union Officials

Employees who are Trade Union officials (an employee who has been elected or appointed by a Union to be a representative of the Union members in a workplace) should be allowed “reasonable” time off work with pay, (“reasonable” means that the employer can take account of the needs of the business), subject to prior approval, to undertake the following duties:

- (a) collective bargaining with the appropriate level of management;
- (b) informing employee members about negotiations or consultations with management;
- (c) meeting with other lay officials or with full-time Union officers on matters which are concerned with industrial relations between his or her employer and any associated employer or their employees;
- (d) act as a representative on behalf of employee members on grievance and discipline matters concerning them and their employer;
- (e) appearing on behalf of constituents before an outside official body, such as an employment tribunal, which is dealing with an employee relations matter concerning the employer;

- (f) explanations to new employees whom they will represent of the role of the Union in the workplace employee relations structure.

Where there is some element of doubt as to whether a matter is a Trade union duty, the Council must exercise its discretion. In these instances, matters are to be determined by the relevant Corporate Director.

33. Trade Union Safety Representatives

Employees who are Trade Union representatives are allowed time off, with pay, in order to carry out their duties or to receive appropriate training in health and safety matters.

34. In a school setting the following may apply

Holidays during term time

Reasonable time off without pay may be granted to meet cases where the residential partner is compelled to take their main holiday during term time for such reasons as staggering of holidays in industry. Leave for short industrial breaks should not be approved e.g. shift patterns of work. Normal reasonable time will be a maximum of ten working days, subject to the approval of the Headteacher.

Awards Ceremonies

Leave of absence of up to one day with pay may be granted for attendance at degree ceremonies of close family members, subject to the approval of the Headteacher

House removal/relocation

Home owners or tenants in own right who, on appointment, live more than 30 miles from the new place of work and sell their home within a reasonable period, may be granted up to two days paid leave for actual house removal. There is no right to paid time off work for those who move house which is not linked to changing jobs. Unpaid leave is at the discretion of the Headteacher.

Weddings / Civil Partnership

Leave without pay for the day of the wedding / civil partnership of a close family member at the discretion of the Headteacher.

Should further clarification be required in relation to the consultation and / or implementation process please contact your Directorate HR Team/School HR provider/Diocesan Officer.