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MEDWAY COUNCIL

EDUCATION DEPARTMENT

SPECIAL LEAVE POLICY

First adopted by the Governing Body, March 2016
Approved by the Governing Body, March 2016

This policy was last reviewed by Governors to ensure appropriateness and relevance in
October 2022

Model Special Leave Policy

For adoption by schools and academies

Medway's HR Schools team undertakes to check and review this model policy annually, and where necessary, update it to comply with current legislation and good HR practices.

All trade unions and professional associations formally recognised by Medway Council have been consulted in the development of this policy.

Latest revision – April 2020

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1 Introduction

- 1.1 The School/Academy's Governors recognise the importance of consistency, openness and equality in responding to requests from staff for special leave of absence for family and personal reasons.
- 1.2 Whilst employees have a statutory and contractual right to paid holidays ("annual leave") and right to time off for particular reasons (e.g. public duties and dependency care), there is no *general* right to time off work, or for that time to be paid. It is normally at the discretion of the Headteacher and the Governing Body.
- 1.3 This policy recognises:
- the statutory entitlement to unpaid time off to attend to urgent matters related to dependants
 - national and local agreements
 - best practice which seeks to maintain good working relationships between staff and management
 - the operational needs of the school/academy
- 1.4 It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence for staff working in schools/academies to be reasonably and fairly handled. This policy recognises that the operational needs of the school/academy are a priority and staff must respect that there may be times when the head teacher has to refuse a request for leave.
- 1.5 There may be occasions when requests for leave of absence are made by staff for circumstances which are not specifically identified in this policy. In such circumstances the decision regarding whether the leave of absence is granted remains within the discretion of the Headteacher or Chair of Governors.
- 1.6 In exercising their discretion, the Headteacher and Governors will give full consideration to all the circumstances of the case, including (where appropriate) the personal relationship of the person affected and conditions of service of the member of staff. The granting of leave of absence for one employee will not necessarily set a precedent for others.
- 1.7 In setting this policy the school/academy has taken into account the local availability for short term cover, the additional costs to the school/academy of providing short term cover for absent teachers and the school/academy's commitment towards ensuring that pupils will have continuity in teaching staff.

2 Equalities Statement

- 2.1 The school/academy is committed to providing equal opportunities and access to all. This policy statement embraces the spirit of managing a diverse workforce and those considering whether to approve Special Leave requests must ensure that no employee is discriminated against either directly or indirectly or victimised on the

grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment.

3 Scope

- 3.1 This policy applies to all staff within the school/academy, regardless of grade or position.

4 Decisions regarding requests for time off

- 4.1 The Headteacher (or Chair of Governors if it is the Headteacher requesting time off) has the delegated decision as to whether to grant time off and whether any time off will should be paid or unpaid (with the exception of an employee's statutory right to have paid time off).
- 4.2 The Headteacher will ensure that there are proper records of the consideration of all requests for time off and that a copy is placed on the individual's personal file on each occasion. This will include retrospective consideration in cases of emergency.
- 4.3 Appeals against the Headteacher's / Chair of Governor's decision regarding a request for time off should be made to Governing Body via the school/academy's Grievance procedure.
- 4.4 Any abuse of the policy will be dealt with under the school/academy's Disciplinary procedure.
- 4.5 A formal record of requests including a description of the circumstances and whether or not the request was granted in accordance with the framework of the policy will be maintained by the Headteacher.

5 Staff Responsibilities

- 5.1 All staff should acquaint themselves with the provisions of the school/academy's Special Leave Policy.
- 5.2 Staff will be expected to have taken steps to avoid requesting time off wherever practicable. This is particularly relevant where there is a possibility of the need for time off to re-occur. Examples of this would include:
- medical appointments (whether one-off or part of ongoing treatment)
 - care of a dependant
- 5.3 Unless there are exceptional circumstances preventing the staff member from doing so, all requests for time off must be made in advance. As much detail as is reasonable should be provided to assist the Headteacher in considering the circumstances of the request.
- 5.4 If an unexpected emergency does arise and the staff member is unable to let the head teacher know before taking the leave, he/she must inform the Headteacher as soon as is practicable, by telephone if necessary. On their return to work they will

need to account for the time off in the same way as they would normally have done had the time off been planned.

- 5.5 If the staff member wishes to appeal against the Headteacher's decision (or Chair of Governors decision in respect of a head teacher requesting time off) they must do so in writing using the Grievance procedure, as soon as is practicable after the decision is known.
- 5.6 Employees who hold secondary employment, which may require them to request time off from their employment at the school/academy, must declare this on appointment.

6 School/academy Governors

- 6.1 Employees are allowed a maximum of 18 days paid leave of absence in any 12-month period for undertaking duties associated with being a school/academy Governor.

7 Retained Fire-Fighters

- 7.1 Employees are allowed paid leave of absence in order to attend fire duties during normal working hours. Up to 2 weeks paid leave is allowed for the employee to attend recognised courses if their annual leave entitlement is 4 weeks or less and a minimum of 2 weeks paid leave if their annual leave entitlement is more than 4 weeks.

8 Election Duties

- 8.1 Employees are entitled to paid leave of absence if they are required to engage in duties pertaining to Parliament, County or District Council elections.

9 Training for Visually Impaired Employees

- 9.1 Paid leave of absence will be granted for the duration of any training with guide dogs being undertaken by a visually impaired employee.

10 Interviews

- 10.1 Up to one days paid leave of absence per year will be granted, as necessary, for employees to attend recruitment and selection interviews, including interviews at other schools/academies. Further days may be granted at the discretion of the Headteacher, and would be unpaid.

11 Leave for Examinations

- 11.1 Paid leave of absence will be granted as necessary for employees to sit examinations applicable to local government service.

12 Study (revision) Leave

12.1 The granting of paid leave of absence applies to those employees who are taking examinations applicable to local government service, for the first time. The criteria being as follows: -

- Total of 3 days paid leave of absence where the course is of one year or less in duration.
- Total of 5 days paid leave of absence where the course is longer than one year in duration. Up to 3 additional days may be granted prior to intermediate examinations.

13 Service in Non-Regular Forces

13.1 Up to two weeks paid leave of absence is granted for employees to attend summer camp.

14 Reserved Armed Forces

14.1 Paid leave of absence is granted as governed by the Reserved Forces Act 1996. Employees must advise their Headteacher of their reservist category and seek agreement as necessary.

15 Special Constabulary Service

15.1 Up to a total of 10 days paid leave of absence is granted for employees to attend court, or carry out other duties in connection with their service in the Special Constabulary.

16 Medical Screening

16.1 Paid leave of absence will be granted for the purpose of cancer screening and other medical screening appointments.

17 Subpoenaed Witnesses and Jurors

17.1 Employees should inform their line manager who will normally grant leave. Court allowances should be claimed by the employee, these will then be deducted from pay.

17.2 The above provision does not apply when attending court in a professional capacity as an employee of the school/academy (e.g. as a witness in a child protection case).

18 Compassionate Leave

18.1 The following guidelines set out the types of circumstances in which paid compassionate leave may be granted:

- Up to a maximum of 10 days will normally be allowed in any one year following the death of an immediate relative, i.e. spouse/partner, parent or child.
- Up to a maximum of 5 days will normally be allowed in any one year in the following circumstances:
 - Death of a close relative, including where the employee is the nearest relative responsible for dealing with the estate;
 - Serious illness and/or emergency hospitalisation of a spouse, partner, parent or child or other close relative;
 - Other domestic crisis, e.g. relationship break-down, fire, flood etc.

18.2 The Headteacher may at his/her discretion allow an extension of the period of paid compassionate leave for up to a further 5 days per annum. The number of additional days will depend on the individual circumstances of each case.

18.3 Employees wishing to attend the funeral of other relatives, friends or colleagues may be granted time off subject to the needs of the school/academy, however any such time off that may be granted would be unpaid.

18.4 For parents who lose a child under the age of 18, including those who suffer a stillbirth from 24 weeks of pregnancy, please refer to the Parental Bereavement Leave policy for further guidance and support.

19 Leave for Cultural/Religious Festivals

19.1 Employees are entitled to paid holiday in respect of statutory public or bank holidays. Although some of these holidays are linked to Christian festivals paid leave is given in recognition of the public holiday and not because of any religious connection. Any employee who wishes to celebrate a religious or cultural festival not falling on a nationally recognised public holiday is required to agree this in advance as annual leave/unpaid leave.

19.2 In accordance with the principles of the council's Equal Opportunities Policy, the Head teacher will consider the following points when he/she receives such a request:

- If an employee makes a request to take annual leave or flexi-leave for a religious/cultural festival, this will be considered sympathetically and wherever possible granted.
- Where a request conflicts with other employee's requests for annual/flexi leave such leave will wherever practical be regarded as having priority.

19.3 Where it is not possible to grant such leave due to other leave/work conflicts, the reasons will be fully explained to the employee.

20 Time off for Dependants

20.1 The Employment Relations Act 1999 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants.

- 20.2 Staff taking time off under this right must notify the Headteacher/deputy of their absence on the day they take time off and if possible to give notification in advance.
- 20.3 Circumstances when an employee may take time off are:
- If a dependant falls ill, or has been injured or assaulted
 - When a dependant is having a baby
 - To make longer term care arrangements for a dependant who is ill or injured
 - To deal with a death of a dependant
 - To deal with unexpected disruption or breakdown of care arrangements for a dependant
 - To deal with an incident involving the employee's child during school/academy hours
- 20.4 The employee should notify the Headteacher as soon as possible that they need time off and, in any event no later than one hour prior to their normal start time. They should also state the reason why time off from work is necessary and give an indication of how long they expect to be away.
- 20.5 Consideration will be given to methods of taking time off which may not result in loss of pay for the employee (e.g. annual leave, flexible working where available, compassionate leave). Immediate release will be agreed where an emergency arises in relation to a dependent during the course of the working day.
- 20.6 A dependent is defined as:
- A husband or wife who reasonably relies on the employee
 - A child who reasonably relies on the employee
 - A parent who reasonably relies on the employee
 - A person who lives in the same household as the employee (except lodgers and other non-dependents).
- A person can be said to reasonably rely on an employee if the employee is likely to be the sole or major provider of care.
- 20.7 Statutory rights regarding parental and adoption leave, annual leave and procedures concerning the handling of sickness absences for employees are not covered within this policy.

21 Leave to Attend Significant Events

- 21.1 The Governors recognise that from time to time staff may wish to request time off to attend a significant event, during term time, for example, the graduation ceremony for a son or daughter or the wedding of a close family member.
- 21.2 Staff may be granted up to a day of unpaid leave in any school/academy year in order to attend a significant event. Staff must seek the express permission of the Headteacher for unpaid leave in advance of the event. The operational needs of the school/academy will be considered before granting leave and there may be times when the Headteacher will need to refuse a request for leave.

22 Moving House

- 22.1 Staff are encouraged if at all possible to make arrangements to move house during school/academy closures. However, if this proves impossible, employees may be granted one day of unpaid leave in order to move house. The Headteacher is permitted to ask for documentary evidence relating to why the move could not take place during school/academy closures.

23 Medical and Dental Appointments

- 23.1 Employees are expected to make appointments outside normal working hours wherever possible. However, paid time off to attend medical or dental appointments may be granted at the Headteacher's discretion. Staff attending such appointments must seek the permission of their line manager or Headteacher before attending. The Headteacher/deputy have the right to request to see appointment cards.
- 23.2 Paid time off will be permitted for the purpose of cancer screening.
- 23.3 Fertility treatment - Employees requesting time off for fertility treatment will in general be supported. The specific needs will need to be addressed, and the various provisions for leave set out in this policy will be used to enable this to happen where reasonable. This may mean time off for medical appointments, making full use of compassionate and special leave. The leave may be paid or unpaid depending on the specific circumstances. In any event the situation will be treated with sensitivity.

24 Time off to attend Ante-natal Appointments

- 24.1 The Maternity Regulations provide the right for all women to take paid time off to attend antenatal care. Employees must produce evidence of appointments if requested to do so by their line manager or the Headteacher.

25 Time off for Public Duties

- 25.1 Staff who are appointed to an important office in public service, e.g., as a Magistrate, Local Government Councillor or Member of the General Teaching Councils for England will be granted up to 18 days paid leave of absence in a school/academy year. Wherever possible, employees should schedule these public office commitments during school/academy closure periods.
- 25.2 Staff who hold such public office must inform the head teacher at the time of their appointment.

26 Volunteer Members of the H.M Forces

- 26.1 Volunteer members of HM Forces will be granted up to two weeks' paid leave of absence in any school/academy year to attend summer camp only in cases where this cannot be arranged during a school/academy closure period. If volunteers are mobilised the law protects employment and requires reinstatement on return from mobilised service.

27 Accompanying a Colleague - Disciplinary or Grievance

27.1 Reasonable paid time off will be granted to accompany a workplace colleague at a formal meeting such as a disciplinary or grievance hearing.

28 Trade Union and Professional Association Duties

28.1 Staff undertaking recognised Trade Union or Professional Association duties are provided paid time off as defined in the LA facilities agreement.

29 National Sporting Fixtures

29.1 Staff may be granted reasonable time off (unpaid) where they are a national representative in an sporting event.

30 Extension of School/academy Holiday/Closure periods

30.1 Requests for time off prior to, or at the end of, the school/academy holiday period in order to extend a holiday period or (for example) to access cheaper flights will not be supported by the Headteacher

31 Deductions from Pay

31.1 Unpaid leave may be approved by the Headteacher/deputy where requests for time off cannot be managed within the annual leave provisions (non-teaching staff) or outside of term time.

31.2 Where the time off granted by the Headteacher or Chair of Governors is to be unpaid, the deduction from salary will be at the following rates: -

- Teaching staff: $\frac{1}{365^{\text{th}}}$ of the annual salary for each day's absence
- All other staff: $\frac{1}{5^{\text{th}}}$ of a normal week's pay for each day's absence (or pro-rata for part time employees)

Appendix 1

The following is a list of some typical circumstances where requests for time off may be received. It is not intended to be either exhaustive or prescriptive. In the case where special leave is granted, the table shows recommendations on whether the special leave might be paid or unpaid. Local discretion will be applied and individual circumstances will be taken into account in reaching a decision.

The school will monitor the granting of all discretionary leave in order to assist in a periodic review of its policy.

Code	Reason	Recommendations Paid/Unpaid (if granted)
1	Own graduation	Paid
2	Child's graduation	Unpaid
3	Funeral – parent, sibling or child	Paid (Compassionate leave)
4	Funeral – relatives/friends	Unpaid
5	Parent attending CAFCASS meeting	Unpaid
6	Hospital appointment (self)	Paid (covered in sickness absence policy)
7	Hospital appointment (spouse/child)	Unpaid
8	Doctor/Dentist/optician appointment (self)	Paid (covered in sickness absence policy)
9	Doctor/Dentist/optician appointment (child)	Unpaid
10	Physiotherapists appointment	Paid (covered in sickness absence policy)
11	Breast screening appointment	Paid (covered in sickness absence policy)
12	Attending Ante-Natal appointments	Paid (covered in maternity leave policy)
13	Attendance at interview	Paid
14	Moving home	Paid (no legal obligation)
15	Children's sports day/Christmas event	Unpaid
16	Sitting Examinations (self)	Paid (if qualification is relevant to current job)
17	Death of mother, father, partner or child (<i>number of days to be discussed with the Headteacher</i>)	Paid
18	Friend or relatives wedding	Unpaid
19	Child's 6 th form interview	Unpaid
20	Taking a spouse/dependent child to hospital after he or she has had an accident	Paid (compassionate leave)
21	Illness of spouse, child, father or mother	Unpaid
22	Attending planned surgery with a dependent child	Unpaid
23	Paternity leave (<i>up to 10 days</i>)	Paid
24	Attending probate meeting following the death of a spouse	Paid (compassionate leave)
25	Holiday during term time (<i>however it is a strict policy of the school that holidays are taken during normal holiday periods and not during term time. Unpaid leave is normally only allowed if a new staff member already has a holiday booked, and where this is mentioned at interview, prior to appointment.</i>)	Unpaid
26	Attendance at In-service Training Courses (<i>Staff need not apply for LoA if their application has been supported by the Headteacher</i>)	Paid
27	Professional Conferences	Paid
28	Work by the school's Health & Safety at Work representative	Paid

29	Attending Court – witness	Paid
30	Attending Court - defendant	Paid
31	Jury service	Paid (less deductions for juror's allowance)

Appendix 2

Application for Leave of Absence

Part 1 to be completed by the applicant – ALL SECTIONS MUST BE COMPLETED	
Name	
Date(s) of proposed absence	
Times of proposed absence	
Does this clash with an arranged event (ie. Parents Evening, booked course etc)?	
Reason code (This section must be completed – use codes overleaf)	
Reason for proposed absence	

Pass the completed form to the Headteacher

Part 2 to be completed by the Headteacher	
Having considered your application for leave of absence according to the school's guidelines, the following decision has been made:	
<input type="checkbox"/>	Leave of absence granted without pay
<input type="checkbox"/>	Leave of absence granted with pay
<input type="checkbox"/>	Leave of absence granted – time to be worked in lieu – see below
<input type="checkbox"/>	Leave of absence declined
<input type="checkbox"/>	Matter referred to Governors
This decision is subject to the following conditions:	
When granted 'time in lieu', the hours to be worked must be recorded here:	
Date	Time

Discussed at SMT on:	Signed:	
Copied to Deputy Head: Y / N	Copied to Business Manager: Y / N	Original to applicant: Y / N

