
Every Child Matters Academy Trust

Special Leave Policy

The terms Trust and School (and levels within e.g. governors and trustees) are interchangeable and apply to all schools within the Trust

Section 1.0	Introduction	Page 2
Section 2.0	Special Leave Provisions	Page 2
Section 3.0	Types of Special Leave	Page 2
3.1	Bereavement Leave	Page 2
3.2	Compassionate Leave	Page 3
3.3	Time off for Dependants	Page 3
3.4	Parental Leave	Page 5
3.5	In Vitro Fertilisation (IVF) Treatment	Page 5
3.6	Public and Community Duties	Page 6
	▪ Magistrates Duty	Page 6
	▪ Jury Service	Page 6
	▪ Witness in Court, Tribunal or Claim for Industrial Injury	Page 7
3.7	Public Bodies Activities	Page 7
3.8	Service on Non Regular Forces	Page 7
3.9	Study Time	Page 7
3.10	Attendance at an Interview	Page 7
3.11	Inclement weather and disruption to Public Transport	Page 7
3.12	Other types of Special Leave	Page 8
	• Paid	Page 8
	• Unpaid	Page 8
Section 4.0	Processing Applications	Page 8
Section 5.0	Abuse of the Scheme	Page 9
Section 6.0	Grievance Procedure	Page 9
Section 7.0	Impact Assessment	Page 9
Section 8.0	Income Tax and National Insurance Implications	Page 9

SPECIAL LEAVE PROCEDURE

1.0 INTRODUCTION

- 1.1 This procedure applies to all employees of the Trust and is to enable employees to take Special Leave of absence from work in circumstances which are not covered by other Trust procedures.
- 1.2 This policy is intended as a guide to Headteachers and ensures a fair, consistent and reasonable approach when considering approval to applications for Special Leave.
- 1.3 The Trust is sensitive to the needs of employees. In certain circumstances, Special Leave can be authorised for employees, with or without pay, at the discretion of the Headteacher.

2.0 SPECIAL LEAVE PROVISIONS

- 2.1 Prior to approving an application for Special Leave, whether on a paid or unpaid basis, it is important for Headteacher's to examine the particular circumstances.

Considerations should include:-

- Whether the matter could be reasonably dealt with outside normal working hours.
- Whether another family member could deal with the matter.
- Whether granting Special Leave could indirectly cause discrimination to other employees.
- Whether the leave is requested to allow the employee observance to their religion or faith. In these circumstances, please refer to the Religious Observance in the Workplace guidance.

- 2.2 The Headteacher should apply a consistent and reasonable approach when granting any special leave application.

3.0 TYPES OF SPECIAL LEAVE

The following examples are circumstances where Special Leave may be considered. Please note that these examples are neither exclusive nor exhaustive and there may be other similar requests which are not listed.

3.1 Bereavement Leave

- 3.1.1 Headteachers should consider the emotional impact and the level of distress that bereavement may cause when considering a request of this nature.
- 3.1.2 Bereavement leave includes attendance at a funeral and should be granted in accordance with the following guidelines:

Paid leave will be granted to the employee in circumstances of the death of a close relative, which includes spouse or significant partner, child, parent, brother or sister, grandparent or grandchild; or the death of someone who has been a significant part in the life of the employee, such as another close relative or friend. It is the Headteacher's discretion to decide the number of days granted.

Parental Bereavement Leave: Parents who lose a child up to the age of 18 have a statutory right to two weeks paid bereavement leave. This may be taken in a block of two weeks or two separate weeks during the year following the death of the child.

This entitlement also applies to parents who suffer a stillbirth after 24 weeks.

This is a 'day one' right and whilst the legislation stipulates that employees must have completed 26 weeks' in employment for this to be paid, the Council waives this and any employee, regardless of length of service, who loses a child up to the age of 18, will be entitled to two weeks paid leave, based on contractual earnings.

A 'Parent' under the legislation is classed as anyone having parental responsibility for a child. Further details can be obtained from your HR Business Partner.

3.2 Compassionate Leave

3.2.1 Compassionate leave may be requested in circumstances:

- Where a close relative, who includes spouse or significant partner, child, parent, brother or sister, grandparent or grandchild, or someone who has a significant part in the life of the employee, is terminally or seriously ill.
- Where an employee is suffering stress and hardship beyond their control.

3.2.2 If there is a likelihood that this could persist, every effort should be made to support an employee during these difficult times and avoid the need for the employee to be absent due to sickness. Headteachers and employees could consider amending the working arrangements i.e. by a Voluntary Reduction in Working Hours or a change in their patterns of work, by flexible working or unpaid leave.

3.2.3 In such instances where an employee is finding it difficult to cope whilst at work and where leave could alleviate the situation, then it is the Headteacher's discretion to decide the number of paid days granted taking into consideration the employee's personal and cultural circumstances.

3.3 Time off for Dependants

3.3.1 The Employment Relations Act 1999 provides employees with a statutory right to take a reasonable amount of time off to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements involving a dependant.

3.3.2 A dependant is defined as husband, wife, significant partner, child or parent of the employee and also includes someone who lives in the same household as the employee or someone who reasonably relies on the employee for assistance. This could be an elderly aunt or grandparent, but would not include a tenant or boarder living in the family home. A dependant may also be someone who reasonably relies on the employee for assistance, i.e. someone the employee looks after outside of work or where an employee is the only person who can help in an emergency, for example where an elderly neighbour has had an accident and they are the closest on hand at the time.

3.3.3 Emergencies may include:

- A sudden breakdown in care arrangements for example the childminder failing to call/collect a child.
- The dependant suddenly falling ill/having an accident/or a sudden deterioration in an existing condition. Such injuries/illness may be physical or mental and could be to comfort or help the dependant.
- To make longer term care arrangements for a dependant who becomes ill or injured and may need placing in respite or residential care or other care provision or to make arrangements for a relative or anyone the employee has a close relationship with, to look after the dependant or accompany the person to see a GP or other medical practitioner. The right does not cover time off to nurse the dependant for the duration of their illness.
- An unexpected incident involving the employee's child during school hours which could include the child being distressed or injured or excluded.

3.3.4 It is important to note that in the majority of instances, it may not be possible for the employee to give prior notice. However, the employee will still have a duty to inform their Headteacher that they will be late/unable to attend work by communicating their absence at the first available opportunity.

3.3.5 In serious circumstances, a dependant may have more than one carer who works for the Trust. Serious situations may permit both employees using their right to take time off for their dependant.

3.3.6 It is recommended that in these circumstances, the Headteacher may grant up to 5 days within a 12 month period, paid special leave. Further unpaid special leave may be granted.

3.3.7 **Time off for Carers**

The Carer's Leave Regulations 2024 allow employees (as a day one right) to be absent to provide or arrange care for a dependant who has a long-term care need.

A dependant is defined at section 3.3.2. A dependant has a long-term care need if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months.
- they have a disability for the purposes of the Equality Act 2010, or
- they require care for a reason connected with their old age.

Employees are entitled to one week's unpaid leave in a rolling 12-month period. The leave will be able to be taken in half or full days, up to and including taking a block of a whole week of leave at once. The entitlement is the maximum an employee is entitled to, irrespective of how many dependents they have.

For the purposes of carer's leave, a week is the period of time that an employee is normally required to work during a week (running Monday to Sunday) under their contract. Where this varies, a week is calculated by dividing by 52 the total amount of time normally required to be worked over the 12 months ending with the last day of the carer's leave requested.

When an employee wants to take any of their carer's leave entitlement, they must provide their manager with notice, confirming they are entitled to carer's leave and have not exhausted their entitlement. The notice must specify the times that they wish to take this leave and must be provided before the 'relevant date'. The notice should be provided in writing using the SL1 form.

If the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days. The notice period needs to be in full days, even if the request includes half day amounts.

Managers are not entitled to require evidence in relation to the request before granting the leave.

If a manager reasonably believes that the operation of their service would be unduly disrupted if the employee took the leave requested, the leave can be postponed. The manager must consult with the employee as to the date to which the leave will be postponed. This must be no later than one month after the first day of the leave period originally requested. The manager must then notify the employee of the reason for the postponement and the agreed new date(s) for the leave. This employer's notice must be provided as soon as reasonably practicable, but no later than whichever is the earlier of seven days after the employee's notice was given to the employer or before the first date in that notice.

Fostering Support

The Council is committed to being a 'Fostering Friendly Employer' through supporting our employees who are prospective or existing foster carers.

The manager may grant up to 5 days of paid leave for:

- Employees who are going through the application process to become a foster carer, as part of the fostering assessment.
- Employees who are foster carers in order to attend training related to their position as foster carers and/or to attend meetings, panels, hearings or any other key events or activities in support of foster children and young people in their care.

3.4 Parental Leave

- 3.4.1 The Parental Leave Policy is available to all employees who have completed one year's satisfactory service with the Trust.

3.5 In Vitro Fertilisation Treatment (IVF)

- 3.5.1 All employees who have 12 months continuous service with the Trust at the time of applying who require IVF fertility treatment may be granted IVF fertility treatment leave.
- 3.5.2 The policy applies to female employees who require fertility treatment and also to male employees who may also require treatment during the IVF process.
- 3.5.3 Employees are asked, wherever possible, to arrange appointments outside of work, however where this is not possible, an employee may be granted up to 5 working days (pro-rata for part time staff) of paid IVF fertility leave in any 12 month period in order to receive and recover from IVF treatment. Documentary evidence of this appointment should be given to the Headteacher and attached to the application form.

- 3.5.4 The fertility treatment leave can be taken in either 5 consecutive days or separate days, half days or hours.
- 3.5.5 If any employee requires any additional time, or is requesting time to support their partner during this process this will have to be agreed with the Headteacher and will be unpaid.
- 3.5.6 Further time off due to the side effects of treatment should be in accordance with normal sickness absence provisions under the Managing and Supporting Attendance at work – policy and procedure. Sickness absence associated with IVF will not be classified as “pregnancy related” for the purpose of absence monitoring until the employee is pregnant. An employee will be considered pregnant once they have medical confirmation.

3.6 Public and Community Duties

Leave of absence will be granted to employees who serve on public bodies or to undertake community duties in accordance with the following:

3.6.1 Magistrates Duty

An employee who is a Magistrate is entitled to a maximum of 15 contractual days paid leave, or 30 contractual half days paid leave in any one financial year, in respect of all Magisterial duties which they are called upon to perform.

3.6.2 Jury Service

For employees who are requested to attend Jury Service they will be entitled to paid leave for the duration of the jury service. The Headteacher must ensure that the absence is recorded as Jury Service on the weekly Absence Return form.

The employee will continue to be paid by the Trust for the duration of the Jury Service and any normal salary deductions will continue to be made from the employee's earnings. This is on the understanding that the Court fees are then deducted from the employee's salary once they receive payment from the Court following jury service.

The employee will receive a “Certificate of Loss of Earnings or Benefit form” in their jurors pack from the Court. Although this form states that it should only be completed if the employer is **not** paying the employee their normal salary whilst on jury service, this form will still need completing in order for a deduction to be made from the employee's salary once they have received payment from the Court following their attendance. The employee must ensure that their Headteacher completes the form indicating whether the employee can return for any half days that the employee is not required at Court. Once complete, the form must be forwarded to the school's Payroll provider (via the school's SBM / HR Officer), in order for them to complete the net loss of earnings and declaration sections on the form. The form should then be returned to the employee as they will need to hand the form in to Court officials on the first day of attendance for Jury Service. The employee should also request on their first day, a certificate of attendance.

On completion of the Jury Service the employee will receive a certificate of attendance and a remittance advice which should be equal to the allowance the employee has received from the Court. The employee **must** ensure they complete the Jury Service - Deduction from Salary Authorisation Form and forward this to school's Payroll provider (via the school's SBM / HR Officer), along with copies of the remittance advice and certificate of attendance received from the Court to ensure that an amount equal to the allowance received from the Court is deducted from the employee's pay. A deduction from salary will be made accordingly.

If the employee fails to inform the school's Payroll provider (via the school's SBM / HR Officer) of the allowance received, the matter will be regarded as misconduct and will be dealt with under the Disciplinary Procedure.

3.6.3 Witness in Court, Tribunal or claim for industrial injury

If an employee is required to attend a court or tribunal during working hours as a witness for the Trust or to give evidence in relation to the discharge of their duties on behalf of the Trust then they are acting in the course of their employment and do not require authorisation to attend.

Where employees attend a Court or Tribunal on behalf of a third party, including attending as a witness on behalf of another employee, they are required to do so in their own time. If, however, an employee is required to attend as a witness for a third party in response to a witness summons or a subpoena, they will be authorised paid time off to attend on production of evidence.

3.7 **Public Bodies Activities**

3.7.1 Employees must notify their Headteacher when they have been appointed to serve on a public body. A request for paid leave will be granted to an employee subject to the prior approval of their Headteacher and whom serve on a public body or undertake public duties in the following instances:

- A School Governor
- A Special Constable

3.8 **Service on non-regular forces (Territorial Army)**

3.8.1 Leave required for camp will be granted with pay. Special leave with pay will also be granted in times of conflict and where there are shortages of staff within the armed forces and the employee is called up. The Trust will continue to pay the employee's wages. Should the employee receive an allowance for loss of earnings from the Territorial Army for these duties, either for attending camp or for undertaking national duty, the allowance should be paid directly to the Trust.

3.9 **Study Time**

3.9.1 Study time can be given as appropriate for relevant occupational examinations or to undertake assignments, research, project work or compile a portfolio of evidence in relation to training and development.

3.10 **Attendance at an Interview**

3.10.1 Paid special leave will be given for Interviews within the Trust or any external organisation.

3.10.2 Employees who are considered at risk of redundancy with the Trust have an entitlement to take reasonable paid time off to attend an interview on production of appropriate evidence.

3.11 **Inclement Weather and Disruption to Public Transport**

3.11.1 Dependent on the circumstances, paid special leave will be granted by the Headteacher, who will need to have regard to the employee's place of work; where the employee lives, their mode of transport or if consideration needs to be given to the employee in line with any disability / impairment. As per the school's inclement weather procedures, there is an expectation that staff will attempt to make it to their place of work (keeping in mind their own health and safety).

3.12 Other types of special leave

3.13.1 Paid Leave

- Trade Union activities (please refer to the Trade Union Facilities Agreement with regards to paid leave).
- Paid Special Leave must be authorised where an employee is selected to represent the country as an ambassador for a sporting event and no payment is received from the event.

3.13.2 Unpaid leave

- All employees are expected to arrange dental, optical (apart from Health and Safety vision screening), doctor's and donation, i.e. blood (other than where surgery is required) appointments in their own time. Paid Special Leave will be authorised for those employees who can evidence that they are unable to make an appointment in their own time. An appointment card or other documentary evidence will be required prior to any leave being authorised.
- In the case of hospital appointments, time off will be given for the first consultant appointment. Any subsequent appointments should be taken in their own time. Paid Special Leave will be authorised for those employees who can evidence they are unable to make an appointment in their own time. An appointment card or other documentary evidence will be required prior to any leave being authorised.
- However, time will be given for antenatal appointments and for ongoing treatments covered by the Disability Discrimination Act (DDA), i.e. dialysis, chemotherapy, radiotherapy. Evidence of appointments will be required in all cases. Advice should be sought from the school's Human Resources Advisor in respect of conditions covered by the DDA.

4.0 **PROCESSING APPLICATIONS**

- 4.1 In many circumstances it may not be possible for an employee to give their Headteacher sufficient notice within which a decision can be made. It is important that the Headteacher makes sufficient enquiries at such times to determine the details for the absence and to consider granting special leave in the context of the circumstances known at that time.
- 4.2 It should be noted that circumstances facing one employee are likely to be different to that of another, even if the reason appears to be similar; therefore the Headteacher needs to consider each request independently.
- 4.3 The Application for Special Leave (SL1) form can be obtained from the school office.
- 4.4 Application forms must be completed by the employee and forwarded to their Headteacher for consideration within reasonable timescales, dependent on circumstances, even if this is done retrospectively.
- 4.5 The Headteacher should inform the employee if their request has been authorised with pay or without pay or if their request has been refused detailing reasons for this decision.
- 4.6 Special Leave, with or without pay should be entered onto the Absence Return Form.
- 4.7 A copy of the completed Application for Special Leave form should be forwarded to the school's HR Officer

5.0 **ABUSE OF THE SCHEME**

- 5.1 Any employee found to have abused the Special Leave scheme will be subject to an investigation in accordance with the Trust's Disciplinary procedures.

6.0 **GRIEVANCE PROCEDURE**

- 6.1 Employees not satisfied with the decision taken with regard to their request, will have a right to appeal as per the Trust's Grievance Procedure.
- 6.2 The employee must submit an appeal by completing a Grievance Notification GN1 form within 5 days of receiving the response to their request. The appeal will be to the Governing Body. The panel will include at least 3 Governors who have not been involved in the case or decision connected with the original outcome. Where there are not enough Governors available the appeal may be heard by 2 Governors. Where applicable there should be an equal number of Governors on the panel.
- 6.3 In accordance with the Trust's Grievance Procedure an Appeal Hearing will be arranged without delay on receipt of the written appeal. The employee will be informed in writing, giving 10 working days notice of the requirement to attend the Appeal Hearing.
- 6.4 The decision of the Appeal Panel should normally be given verbally to the employee at the conclusion of the meeting and confirmed in writing, within 5 working days. However in exceptional circumstances it may be necessary with the employees agreement to communicate the outcome in writing rather than verbally.
- 6.5 The Appeal Panel may confirm or revoke the original outcome; however, the decision will be final.

7.0 **IMPACT ASSESSMENT**

- 7.1 This policy has been impact assessed by Human Resources. If on reading this policy/procedure, you feel there are equality and diversity issues, please contact your HR Advisor, who will, if necessary, ensure the policy is reviewed.

8.0 **INCOME TAX AND NATIONAL INSURANCE IMPLICATIONS**

- 8.1 There are no income tax and national insurance implications arising as a result of this procedure.

Approved by the Trust Board April 2024

Next review date: summer 2026



Chair of Trustees _____ CEO _____

