



Vision: *Inspiring Success*

Values: *Determination, Courage, Respect*

Special Leave of Absence Policy (Staff)

1. Statement of Intent

The Governing Body of The Orchard Infant School recognise the importance of consistency, openness and equality in responding to requests from staff for special leave of absence for family and personal reasons or in order to fulfil professional duties other than those immediately related to employment.

This policy recognises:

- the statutory entitlement to unpaid time off to attend to urgent matters related to dependants;
- national and local agreements recognised by the school;
- best practice, which seeks to maintain good working relationships between staff and management;
- the need to balance requests against the operational needs of the school.

It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence to be reasonably and fairly handled whilst recognising that the operational needs of the school are a priority and there may be times when a request for leave will be refused.

There may be occasions when circumstances arise which are not specifically identified in this policy. The decision regarding granting leave of absence in such cases falls to the discretion of the Headteacher or Chair of Governors, as appropriate.

2. Time Off For Dependants

The Employment Rights Act 1996 provides all employees with the right to take **reasonable unpaid time off** to deal with certain unexpected or sudden emergencies relating to dependants.

What constitutes a reasonable amount of time off is not specified by the legislation and will depend upon individual circumstances, such as:

- the nature of the incident;
- the closeness and level of dependency in the relationship and
- the availability of anyone else to help with the situation.

Whilst there is no legal restriction on the number of occasions upon which an employee can exercise this right, the amount of time off taken is nevertheless subject to a consideration of what is reasonable in each circumstance. In most cases, a few hours or a day will suffice to deal with the immediate emergency.

For the purposes of this right, a dependant is an employee's spouse or civil partner, child or parent or another person who lives in the same house as the employee (other than as a tenant, boarder, lodger or employee). In addition, a dependant also includes a person who relies on an employee

to provide them with assistance if they are taken ill, assaulted or injured to make arrangements for their care. An example could be elderly relatives who do not live in the same household as the employee but are reliant on the employee to assist them in the event of illness or injury. It includes anyone who reasonably relies on the employee for assistance or to make arrangements for care when that person falls ill or is injured or assaulted, and anyone who relies on the employee to arrange the provision of care.

Members of staff seeking to exercise their right to time off are requested to notify the Headteacher of their absence and its likely duration as soon as possible. Wherever possible, notification should be given before the absence is taken.

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 (see also Section 4, 'Care of Sick Children');
- To deal with the death of a dependant;
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant;
- To deal with an incident involving the employee's child during school hours (see also Section 4, 'Care of Sick Children').

3. Compassionate Leave

There is no specific statutory right to claim time off work, whether paid or unpaid, on compassionate grounds (except in those circumstances covered by 'Time Off for Dependants', Section 2). The Headteacher, or Chair of Governors in the case of the Headteacher's own circumstances, may, at their discretion, grant special leave of absence (with or without pay) depending on the circumstances of the case.

In considering requests, the Headteacher will take account of the reason for the request, the likely duration of absence, the employee's length of service, the impact of refusing a request and what cover arrangements can be made for the absence. The following will be used as a guideline, but is not intended to represent a minimum or maximum contractual entitlement:

Sudden, serious illness of near relative, spouse or child	Up to 5 days' paid leave
Death of a near relative, spouse, partner or child	Up to 3 days' paid leave
Funeral of a near relative, spouse, partner or child	1 day of paid leave
Funeral of other relatives, friends or colleagues	1 day of unpaid leave

4. Parental Bereavement Leave

Parental bereavement leave is a statutory entitlement introduced on 6 April 2020. It provides the right for bereaved parents (and partners of parents in an enduring family relationship) to be absent from work, and in some cases to be paid at a statutory fixed rate, for up to two weeks. Time off can be taken in a single block or two separate blocks of one week. It also applies to parents who suffer a stillbirth after 24 weeks of pregnancy. Affected employees will be informed of their entitlement and the statutory requirements of the scheme.

5. Care of Sick Children

The Governing Body recognises that it can be difficult for working parents and guardians to respond to the need to care for their own children when they become unwell during working hours. Members of staff have a statutory right to **unpaid** time off to make arrangements for the care of a dependant. It is important, however, to understand that this entitlement is only to take time off to make arrangements for the care of a child, not to provide that care personally. It should not, therefore, normally be necessary to take more than a part or whole day off work on each occasion. There is no contractual or statutory entitlement to take time off to provide direct care for a sick child and it is therefore important that working parents give advance consideration to what arrangements they can put in place to care for sick children at short notice. In exceptional circumstances, where other care arrangements cannot be made, the Headteacher may agree that a member of staff can take unpaid leave to care for a sick child.

6. Leave to Attend Significant Events

The Governing Body recognises that, from time to time, staff may have the opportunity to attend a significant social event during term time. Examples might include:

- Graduation ceremony for a son or daughter
- Wedding of a close family member

Support staff who are employed **full year** have an annual leave entitlement and may therefore request paid annual leave for such events.

Teachers and term time only staff do not have a leave allowance and are not usually allowed to take time off during term time. In such cases, the following policy will apply:

Staff may take **one day of unpaid leave** in order to attend a significant social event.

All staff must seek the express permission of the Headteacher for leave in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Headteacher will need to refuse a request for leave.

7. Religious Festivals

Members of staff who wish to attend significant religious festivals which fall during school term time may request to take **unpaid leave** to attend the festival. Requests for such unpaid leave must be made to the Headteacher as early as possible in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Headteacher will need to refuse a request.

8. Job Interviews

All members of staff may take a reasonable amount of **paid leave** to attend selection interviews for jobs. Requests to take leave to attend an interview must be made to the Headteacher in advance of the event. In considering whether the request can be granted, the Headteacher will take into account:

- the operational needs of the school;
- the amount of time off requested;

- the number of paid days (or part days) of leave already granted for interviews in the previous 12 months.

9. Other Leave

9.1 Examination Duties

Teaching staff undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained within Appendix 2 of the Conditions of Service for School Teachers in England and Wales ('Burgundy Book').

9.2 Jury Service

Employees may request leave to undertake jury service and should inform the school as soon as possible after receiving the summons. The school will make up the difference between the loss of earnings allowance which may be claimed from the court and the employee's normal pay. The employee is responsible for claiming the allowance and an equivalent amount will be deducted from the employee's salary.

9.3 Moving House

Members of staff are encouraged, wherever possible, to move house during one of the school closure periods which occur throughout the year. Where this proves impossible, the Headteacher has the discretion to grant members of staff one day of **paid leave** in order to move house. In considering such requests, the Headteacher may ask for supporting evidence to demonstrate why the move must take place during term time.

9.4 Medical and Dental Appointments

Employees are encouraged to make medical and dental appointments outside normal working hours and, with routine appointments, this should usually be possible. Where it is not possible to make an appointment out of hours, or where the appointment is urgent, **paid time off to attend appointments will be granted at the discretion of the Headteacher**, from whom permission must be sought in advance. Evidence of appointments may be requested.

The same provisions will apply where an employee is seeking time off work to accompany a dependant to a medical or dental appointment, although it is expected that in such circumstances time off will **usually be unpaid or must be made up at another time**.

Where an ongoing series of medical appointments has been requested, the Headteacher will have discretion to determine whether they will be paid or unpaid.

9.5 Antenatal Appointments

All pregnant employees have the right to take **paid time off to attend antenatal appointments**. Except in respect of the initial appointment, evidence of appointments must be provided if requested by the Headteacher or employee's line manager.

Prospective fathers / partners of pregnant women may take **unpaid time off** to accompany her to up to two antenatal appointments, subject to a maximum limit of 6.5 hours per appointment. Such employees may be required to complete a form declaring their eligibility.

Similar rights are available to the main (or sole) adopter and his/her co-adopter (if applicable) in respect of adoption appointments prior to the placement. Eligible employees will be provided with further information about their entitlements.

9.6 Trade Union / Professional Association Duties and Activities

Staff undertaking duties or attending activities in relation to their membership or role within a recognised trade union will be granted time off in accordance with any locally agreed facilities agreement in place at the time of the request, taking into account the provisions of the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

9.7 Other Leave Not Covered

If an employee wishes to request time off for a form of leave not covered in this policy, he/she should approach the Headteacher in the first instance explaining the circumstances, including when, and for how long, he/she wishes to take leave. In considering whether or not to grant the request and whether it should be paid or unpaid, the Headteacher will bear in mind any statutory provision, local or national agreement recognised by the Governing Body in relation to the particular leave request, as well as custom and practice, if any, relating to similar circumstances. Ultimately, unless there are particular provisions to which the school is required to adhere, the leave will be granted at the discretion of the Headteacher or Chair of Governors, bearing in mind the operational needs of the school.

10. Abuse of Time Off and Unauthorised Leave

Whilst the school’s approach is to endeavour to grant special leave in line with this policy where the request is reasonable and it is operationally feasible to do so, employees should be aware that taking unauthorised leave (such as taking leave which has previously been refused) or making a dishonest request for leave (for example by requesting leave for false reasons) will be treated as a serious disciplinary matter potentially leading to dismissal for gross misconduct.

11. Time to be made up

As an alternative to paid or unpaid absence, for whatever reason, ‘time to be made up’ is an option which may be granted at the Headteacher’s discretion.

12. Data Protection

When an employee makes a request to his/her line manager for time off under this Special Leave Policy, personal data collected will be processed in accordance with the St James C of E Primary School data protection policy. In particular, only the personal information required to deal with the employee's request for time off should be recorded and this information kept only for as long as necessary to deal with the request.

13. Status of Policy and Review

The content and operation of this policy is reviewed on a regular basis by the Governing Body. The policy is discretionary and does not confer any contractual rights.

PURPOSE OF LEAVE	Maximum	Notes
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		Entitlement in any year	
1)	To attend court as a magistrate and meetings as a member of another Local Authority or a Body defined in Part VI of the Employment Rights Act 1996.	18 days paid	
2)	For Jury Service	As necessary; paid – pay reimbursed by the courts	A loss of earnings claim <u>must</u> be submitted by the juror to the Court
3)	To be a candidate in Parliamentary election	15 days paid	During the campaign
4)	To be a candidate in a Local election	1 day paid	To allow candidates to be available throughout polling day
5)	To attend training camp as a member of the non-regular forces	10 days paid	Where possible during school closures
6)	To undertake functions as a recognised TU/TA representative, or recognised safety representative	With pay as defined in the relevant facilities agreement.	Reasonable absence with pay.
7)	To undertake official polling station duties in National/County Council elections	As necessary; paid	Whether or not the school is operating normally or is being used as a polling station.
8)	To act as examiners and moderators for Boards, Panels and Committees a) Chief examiners and Chief moderator b) Assistant examiners and Assistant moderators c) Members of Regional Panels and Committees	10 days paid 5 days paid 5 days paid	Mainly for Teaching Staff
9)	To represent the LA on Panels, Consortia and Academic Boards etc.	As necessary paid	
10)	To attend approved conferences	5 days paid	
11)	To attend interviews for other posts	As necessary	Requests must be reasonable
12)	To participate in trials or sporting fixtures at national or international level	Reasonable with pay	
13)	For medical treatment/appointments	As necessary with pay	Approval should only be given if it is not possible to arrange treatment/appointments outside normal working hours. NB There is a statutory right to time off during working hours to receive ante natal care.
14)	Weddings, honeymoons and other absences e.g. degree graduation ceremony where degree is being awarded to the member of staff or an immediate member of his/her family – husband, wife, son or daughter.	As necessary without pay	To be approved only in very exceptional circumstances – related to staff with no leave entitlement
15)	To move house	1 day paid	
16)	To look for work or make arrangements for training where the individual has been given notice of redundancy	Paid as necessary	Check with 4S personnel consultant – there is statutory entitlement.

Reviewed: January 2023

Review Date: September 2025