

SPECIAL LEAVE POLICY

RESPONSIBLE DIRECTOR
CHIEF EXECUTIVE

REVIEWED BY TRUST
September 2023

REVIEW DATE
December 2025

1. Purpose

- 1.1 The purpose of this policy is to establish an approach to the granting of special leave for both teaching and support staff to help manage their work life balance and which impact as little as possible on the education of students. Whilst decisions on special leave should reflect the Trust's role as a reasonable employer, it needs to be emphasised that special leave is at all times subject to the operational needs of the school and is entirely at the discretion of the Headteacher or CEO in the case of requests from the Headteacher or staff not directly employed by a school.
- 1.2 Please note this policy does not cover annual leave the details of which are set out in each employee's contract of employment. If you have specific questions about your annual leave, then please contact your line manager in the first instance or the HR Manager. The terms Headteacher and Principal are interchangeable.

2. Scope

- 2.1 This policy provides guidance on how to manage absence from the workplace for all authorised reasons other than sickness absence and days taken as holiday entitlement that will be deemed to be leave of absence.
- 2.2 This policy and procedure does not confer any automatic entitlement to leave with or without pay. Each application for leave will be considered on its merits. All the circumstances relating to the application should be considered in the light of the operational requirements of the school and trust, including whether the applicant making the request for leave has a separate annual leave entitlement. In such considerations, therefore, the individual needs of the employee must be balanced against the requirements of the school to ensure a fair and sympathetic general

approach. It is recognised that, by virtue of the nature of special leave, hard-and-fast rules cannot always be followed rigidly. The Headteacher or CEO may sometimes need to apply an element of discretion in individual cases depending on the circumstances.

2.3 See Appendix 1 for details of whether certain categories of absence for special leave will be with or without pay. In determining special leave, the Headteacher/ CEO should take into consideration all relevant factors:

- nature of the emergency
- the relationship of the person to the employee
- the employee's absence record in particular over the last 12 months
- the employee's length of service
- the employee's work record
- amount of outstanding and uncommitted leave (if applicable)
- the school's requirements
- the possibility of unpaid leave
- the possibility of temporary variation in working times.

It should be noted that for an extended period of unpaid leave (i.e., exceeding one month) there are implications for pension and accrual of holiday entitlement.

2.4 Leave will **not** normally be granted for the following:

- Holiday requests from teaching or support staff who work to term-time contracts requesting leave during the school term
- Accompanying partner on holiday or business trip during term time (teaching and term time only support staff)
- General sports coaching
- Routine medical, dental or optical treatment where such appointments could without difficulty be secured outside working hours. Visits to the doctor, dentist and hospital clinics shall normally be regarded as outside the provisions of special leave. Staff are entitled to paid time off for the purpose of attending pre – natal appointments. In all such cases staff may be required to attach appointment letters/cards to their leave request, and wherever possible employees are expected to make appointments at the beginning or end of the day in order to minimise any disruption at work caused by their absence. *[The Trust acknowledges and understands the current difficulties with securing GP and other medical appointments at specific times, and therefore will currently adopt a flexible approach where staff members are unable to schedule these treatments outside of working hours].*

2.5 Discretion must be exercised fairly and must not result in any discriminatory outcomes in relation to the granting of leave. All employees have a statutory right to unpaid time off for family and domestic reasons. In exceptional circumstances the Headteacher/ CEO may authorise additional special leave.

3. Responsibilities

- 3.1 Other than the case of an absolute emergency, staff must apply in writing for all requests for leave of absence including applications to attend training or other professional development activities, as soon as the reason for requesting leave of absence is known. Applications must be made to the Headteacher or CEO.
- 3.2 The Headteacher must review the special leave request, take advice if necessary, from the HR Manager and then decide to approve or not. That decision should be communicated to the staff member as swiftly as possible along with the reasons for approval or declining the request. Any leave of absence must be recorded on the absence system.
- 3.3 In the case of an emergency, requests for leave should be made to the Headteacher and followed up as soon as is practicable in writing.

4. Transport and Weather

- 4.1 In the event of transport failure or severe weather conditions, staff must make every effort to come into work at the earliest opportunity. In circumstances where absence due to these circumstances is unavoidable, pay will not be deducted.

5. Refund of Salary

- 5.1 Where paid leave of absence is granted, and payment received from external bodies (e.g. jury service or consultancy work) this income should be received by the School. Staff must consult the Finance Department and the Headteacher before engaging in activities that attract payment from external bodies.

6. Confidentiality

- 6.1 Many of the Issues surrounding Special Leave are of an extremely personal and private nature to the employee concerned. The Headteacher/CEO will be sensitive to any employee's difficulties and appreciate the strict confidence of any information provided. Information should only be shared with other staff on a genuine "need to know basis".

Appendix 1

PURPOSE (All allowances are limited to once per academic year unless stated otherwise)	GUIDELINES
Household removal	1 day with pay
Attending job interviews (per academic year)	2 days with pay in total – 1 day for each interview. If interviews involve 2 days than 4 days would be paid
Attending a wedding (own or close family member e.g., child, parent, or a person for whom the employee has had care responsibility)	1 day with pay
Presentation of a degree or diploma, recognised award or investiture with an honour or decoration	1 day with pay
Religious holidays	1 day with pay The Principal may give consideration to extending the number of days either with or without pay, bearing in mind the individual needs for religious observance.
Serious illness of a close family member (e.g., partner, parent, child or a person for whom the employee has care responsibility), requiring the presence of the employee. This is not intended to cover illnesses of a minor nature (e.g., colds, infections, minor ailments etc.)	Period reasonably necessary, normally not more than 3 days with pay
Death of a close family member.	Period reasonably necessary, but not normally more than 5 days with pay
Funeral for a close family member. Other funeral attendance may be granted without pay.	1 day with pay Period reasonably necessary and allowing for journey time, not more than 2 days with pay
Serious domestic difficulties caused by the sudden and unforeseen breakdown of childminding/nursery arrangements without the employee being able to make alternative arrangements. See Appendix 2 for more detail on time off for dependants.	Period reasonably necessary, but not more than 3 days with pay

Unforeseen domestic emergency (e.g. burglary, fire, flood) which is beyond the control of the employee.	Not more than 1 day with pay (may be applied retrospectively on production of supporting information which may be required by the Line Manager)
IVF Treatment	Period reasonably necessary, but not more than 5 days with pay. Please also see section on IVF Treatment below
Attendance at children's school for parents' meeting/review/nativity/sports day etc.	1 event with pay
Attendance with own child at school or university open day (maximum of two visits per academic year and every attempt should be made to schedule the visit at a weekend or out of term-time)	1 day with pay

The Headteacher/CEO is permitted to approve special leave up to a maximum of 5 days per individual over a 12-month rolling period. Absence may only be taken when the member of staff has received final approval from the Headteacher/CEO.

The Headteacher/CEO may grant unpaid leave beyond these guidelines depending on the circumstances.

IVF Treatment

Any application for leave of absence to undergo IVF treatment should be handled sensitively and compassionately, taking into account the probably emotional impact on a member of staff leading up to, during and following treatment. Staff wherever practicably possible should be encouraged to arrange treatment outside of school hours or outside of term time. In the event that it is not possible to arrange treatment outside of school time, the Principal / CEO may, at their discretion, grant up to five days paid leave in any one year on compassionate grounds. If treatment is unsuccessful and further absence are required within any one year period, the Principal / CEO may, at their discretion, grant unpaid leave of absence.

If, as a result of IVF treatment, a member of staff becomes incapacitated e.g. necessitating bedrest on the advice of the GP or consultant, then the absence should be treated as sick leave, as set out in the appropriate conditions of service and policy. In such cases the normal procedures for notification of sickness should apply.

Other Special Leave

In addition to emergency situations of a personal or domestic nature and the situations listed above, special paid leave may be granted for the following reasons:

- a) For the duration of attendance at court or employment tribunal until such time they are freed by the court or tribunal providing:
 - The employee's attendance must be as a witness on subpoena, witness order or other directions through the court or tribunal or at the request of the police.
 - Documentary evidence of required attendance is provided.An employee pursuing legal action themselves would be required to take any time away from work as unpaid leave.
- b) Jury service: Staff will be paid for the duration of their Jury service however the attendance allowance that is paid to jurors should be paid to the Trust in recognition of this benefit. Please contact the Finance Team for more information about this process.
- c) Sitting sponsored exams and final revision (one day per exam plus one day for final revision)
- d) Acting as an examiner or lecturer to outside authorities (not exceeding an aggregate of one week in any 12-month period)
- e) Serving as a member of another local authority (up to 208 hours a year)
- f) Election duties (please also see section below)
- g) Duties undertaken as a school governor (not exceeding 5 days a year)
- h) Attendance at summer camp as a volunteer member of the non - regular Forces (up to 2 weeks a year) Applications for special leave should be made in advance by at least 5 days of the requested absence or on the first day of absence in the event of emergency situations.
- i) Participation in sporting events where the member of staff is representing their country. Each application will need to be considered on a case-by-case basis, taking into account where the representation is taking place geographically, the level of representation (e.g., Commonwealth, European or Olympic), and the date of the event. This will not normally exceed 3 days paid leave per year. Leave is not normally granted for a member of staff to take part in sporting events on a professional basis.

At all times Headteacher/CEO may require confirmation or proof of the need for special leave to be approved.

Candidacy in Elections

- Political activities must not take place in the employer's time.
- All staff should be cautious and prudent about any activities during the school day; where an activity is legitimate according to the letter of the law (e.g. canvassing at lunchbreaks) this may still give rise to concerns and complaints and is therefore advised against.
- Staff must not use school facilities for political activities (e.g. telephones, notice

boards, etc.).

- The display of political posters on school property is prohibited.
- Staff should remember that irrespective of how strong their own political views may be, it is likely that they will have to work with people of all political persuasions and therefore keeping counsel on political issues during the school day is a wise course of action.

Parliamentary Elections

A member of staff who is a candidate in a parliamentary election may, at the discretion of the Principal / CEO be granted leave, either paid or unpaid, from the first day in which nomination papers may be delivered and up to and including the second day after the election.

Local Elections

A member of staff who is a candidate in a local council election may, at the discretion of the Principal / CEO be granted leave, either paid or unpaid, from the first day in which nomination papers may be delivered and up to and including the second day after the election.

Public Duties

It is recognised that there are benefits to staff becoming involved in public duties and engaging with the wider community. Staff are likely to obtain additional skills and experience. Section 50 of the Employment Rights Act 1996 requires employers to permit employees who hold the following public positions reasonable time off to perform the duties associated with them:

- A magistrate (or a justice of the peace).
- A member of a local authority, police authority, governing body of an educational establishment, health authority or primary care trust.
- A member of any statutory tribunal, an environmental agency or the board of prison visitors.
- A member of the General Teaching Council

The amount of time off is not specified in law and there is no obligation on employers to pay for this time. Bedford College Academies Trust will fund up to 10 days per annum for a member of staff to undertake the duties outlined in the bullet points above. This leave is to be granted subject to the needs of the school but should not be unreasonably refused. Where the employee receives a fee for the work (and the Trust has paid for the employee to be released to perform the duties), then the fee should be repaid to the Trust. Employees considering taking on public duties are encouraged to investigate the time off likely to be required and discuss this with the Principal / CEO.

Trade Unions and Professional Associations

Members of staff how are members of the national executive of a recognised union or

professional associate must be granted reasonable paid leave of absence for the attendance of appropriate meetings in that capacity. Members of staff who are elected trade union representatives have a statutory right to a reasonable amount of paid time off to carry out certain specified duties (such as negotiations with their employer), and to undertake relevant training. Individual union members also have a statutory right to reasonable unpaid time off when taking part in trade union activities. For the avoidance of doubt, the Trust will comply with all of its obligations under the Trade Union (Facility Time Publication Requirements) Regulations 2017.

Appendix 2

Staff have the right to take a reasonable period of time off work to deal with a family emergency involving a dependant which relies on the employee for assistance. Although the leave is unpaid under the statutory scheme the school will grant up to 3 days of paid leave for these purposes over a 12-month rolling period. As a guide, the leave should be sufficient to help the staff member to deal with the unexpected or sudden problem and make any necessary longer term arrangements.

Circumstances for which leave may be granted are:

- if a dependant suddenly falls ill, is injured or assaulted, or gives birth,
- the death of a dependant or someone close to the employee,
- if a child is involved in a serious incident at school or during school hours,
- a sudden breakdown in care arrangements for a dependant,
- dealing with a crisis relating to a family member requiring immediate attendance, e.g., to make longer term care arrangements for a dependant who is ill or injured.

It may not be considered appropriate to award paid or unpaid leave in circumstances where the employee can be reasonably expected to make alternative plans or arrangements which may therefore not require their assistance, or where the arrangements can be undertaken outside of term-time e.g. where the employee knows in advance that the problem is going to arise, or by using annual leave (support staff).

For the avoidance of doubt if your child is unwell, this should not be reported as sickness absence but as time off for dependants. The leave is only designed to deal with the immediate problem i.e. the arranging of care or supervision.