



TRUST IN LEARNING (ACADEMIES)

SPECIAL LEAVE POLICY



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| Date | Page | Change | Purpose of Change |
|----------|------|---|--|
| May 2016 | 5 | Addition to 'How to Apply for Leave' | Clarification |
| May 2016 | 5 | Paternity Leave – 2 nd and 4 th bullet points | Clarification |
| May 2016 | 6 | Shared Parental Leave | Inclusion due to change in legislation |
| May 2016 | 6 | Parental Leave - I to X | Update due to changes in legislation |
| May 2016 | 7 | Time off to attend ante-natal appointments | Update due to changes in legislation |
| May 2016 | 10 | Leave to attend interviews | Maximum number applied |
| May 2016 | 11 | Long term unpaid leave | Clarification |

The Board is delegating the operational procedures and oversight of the policy to the Local Governing Bodies of its Schools/Academies.

POLICY

This policy applies to all staff of the Trust in Learning (Academies) (TiLA). The purpose of this policy and procedure is to ensure good practice in the management of staff and consistency of approach to issues of time off from work for personal reasons.

Introduction

The Academy recognises that there will be particular situations and circumstances, which may arise during the working lives of members of staff, which make it necessary for priority to be given to meeting certain needs and responsibilities outside the work environment. The objective of the Special Leave Policy is to ensure that there is a consistency of approach for all staff and there is transparency to the decision making of managers.

Information

The Governors, Chief Executive/Principal/Headteacher/designated manager and the School or Academy's employees have responsibilities regarding Special Leave as follows:

1. Governors' responsibilities are to:

- i. Ensure that there are policies in place for managing fairly and consistently;
- ii. Ensure there is a procedure for managing the process;
- iii. Hear appeals in accordance with this policy;
- iv. The Chair of Governors to act in the case of the Special Leave of the Chief Executive/Principal/Headteacher

2. Chief Executive/Principal/Headteacher/designated manager's responsibilities are to:

- i. Implement a clear procedure for managing Special Leave which is drawn to the attention of all employees;
- ii. Apply the policy and procedure consistently and transparently for all staff within their sphere of management;
- iii. Where Special Leave is not an option, seek reasonable alternative options to support the situation

3. Employees' Responsibilities are to:

- i. Ensure that they read and understand the provisions of this policy;
- ii. Conform to the required procedure for requesting Special Leave;
- iii. Take responsibility for minimising the impact of any personal situation that may impact on their ability to carry out their duties

4. Key Principles

- i. The Academy recognises that there will be particular situations and circumstances which may arise during the working lives of members of staff, which make it necessary for priority to be given to meeting certain needs and responsibilities outside the work environment.
- ii. The Academy also recognises that in these situations, which may be brought about through the member of staff's responsibility as a carer, the arrival of a child, an unforeseen domestic incident, a specific commitment or a bereavement, leave of absence (other than entitled holiday) may be required.
- iii. The procedures detailed below aim to provide practical assistance to staff in meeting these needs and achieving a reasonable balance between the demands of work and those of the particular situation.
- iv. The granting of any leave of absence, paid or unpaid, is entirely at the discretion of the Chief Executive/Principal/Headteacher/designated manager.
- v. Where such leave is not possible, reasonable alternatives (i.e. rearranging hours of work, using annual leave) may be considered.
- vi. In the event of any doubt or a query over the applicability of these provisions, advice should be sought from a Human Resources Professional.
- vii. All requests for leave under the terms of these procedures must be submitted in writing to the Chief Executive/Principal/Headteacher/designated manager. Where this is not practically possible, due to the nature of the situation, prior permission must be sought verbally and followed up, at the earliest opportunity, in writing (see section A).
- viii. These arrangements apply to all staff. Any member of staff working less than five days per week will be granted the appropriate leave on a pro rata basis.

The following categories of Special Leave are explained in detail in the rest of this document. The various types of Special Leave are grouped into two distinct sub-categories, as follows:

Special Leave for Family and Domestic Responsibilities (Section A)

- i. Compassionate Leave
- ii. Time off to care for a dependant
- iii. Paternity Leave
- iv. Additional Paternity Leave
- v. Shared Parental Leave
- vi. Adoption Leave
- vii. Parental Leave
- viii. Partners attending antenatal appointments

Special Leave for Specific Commitments (Section B)

- i. Court Attendance – Jury Service or to act as a witness
- ii. Leave to attend public duties
- iii. Leave to attend conferences, seminars as part of staff development
- iv. Service in non-regular forces
- v. Study and/or examinations
- vi. Other leave
- vii. Long term unpaid leave

Process of Appeal (Section C)

Please note that Maternity and Adoption Leave, and time off for antenatal appointments for pregnant staff, fall outside the scope of these procedures and are covered by a separate policy and procedure.

SECTION A FAMILY AND DOMESTIC RESPONSIBILITIES

All types of Compassionate Leave under this policy are discretionary and subject to the approval of the Chief Executive/Principal/Headteacher of the individual School.

Maximum Paid Leave Allowance

With regard to Compassionate Leave and time off to care for a dependant there will be a maximum of five days paid leave authorised within one academic year. Only in exceptional circumstances will more than five paid days be granted.

Only the Chief Executive/Principal/Headteacher will have the authority to agree over five days paid leave in any one academic year.

Any additional time off granted under the terms of Compassionate and Care of Dependants will be unpaid once five days paid leave has been exhausted.

How to Apply for the Leave below

- i. All requests for leave under the terms of these procedures must be submitted in writing to the Chief Executive/Principal/Headteacher/designated manager.
- ii. Where this is not practically possible, due to the nature of the situation, **prior permission must be sought verbally** and followed up, at the earliest opportunity, in writing.
- iii. Where someone has taken time off without explicit permission (verbal or written) having been obtained, leave will automatically be without pay unless extraordinary circumstances can be given.
- iv. Paternity, Parental, Additional Parental and Shared Parental Leave have their own specific application requirements.

Discretionary Compassionate Leave

In the event of a family or personal emergency and at the discretion of the Chief Executive/Principal/Headteacher/designated manager the following may be granted if paid Compassionate Leave is requested.

In the event of the death of a close relative (close relative is defined as a partner, cohabitee, guardian, child, parent, grandparent, grandchild, brother or sister) the following will apply:

- i. A death which occurs locally or where travelling is necessary to and from the funeral on the same day - **up to one day**.
- ii. A death which occurs some distance away and an overnight stay is necessary - **up to three days**.

- iii. A death which involves considerable additional responsibilities on the employee (i.e. organisation of the funeral, arranging care for children or the elderly, a complicated financial or business affair to sort out and attendance at the funeral) - **up to five days.**
- iv. In the event of a serious illness of a close relative or dependant (defined as above) for whom the employee has a particular responsibility, the following will apply:
 - Where a member of staff needs time off (paid or unpaid) to care for a seriously ill close relative or dependant where it is not possible to provide other caring arrangements – **up to five days.**

In the case of a terminally ill close relative or dependant additional time off with or without pay may be granted at the discretion of the Chief Executive/Principal/Headteacher/designated manager depending on the circumstances.

The Chief Executive/Principal/Headteacher/designated manager in considering the number of days to grant will consider the consequences on the organisation that the absence will cause and the teaching arrangements, replacement costs, the effect on students and clients and the preparation of teaching material.

These arrangements apply to five day employees; any employee working less than five days may be granted pro-rata compassionate leave.

Other Types of Special Leave

In the case of moving house – **one day in any one calendar year.**

In the case of the wedding of a son, a daughter, a sister or a brother – **not exceeding one day.**

Time Off to Care for a Dependant

Staff will be granted a short period of leave where an emergency or unforeseen situation occurs, which places an immediate, short term demand on them in their role as a carer of a dependant. In particular this may include:

- i. Accompanying a dependant to hospital, clinic, GP or dental surgery for an unscheduled appointment;
- ii. The illness of a close relative or dependant (elderly or otherwise);
- iii. Making emergency arrangements for coping with a longer term care problem.

A “dependant” in this case may be the employee’s wife, husband, partner, child, grandchild or grandparent. Alternatively a “dependant” in this case may be any person who reasonably relies on the employee to make arrangements for the provision of care or to provide assistance in an emergency.

In all circumstances, to take time off in accordance with this provision, the member of staff must inform the Chief Executive/Principal/Headteacher/designated manager of the reason for their absence (and how

long they expect to be absent), at the earliest opportunity. One day's paid leave may be granted for each eventuality.

Where the situation is foreseen, or could have been anticipated, this type of leave will not normally be granted.

Staff may request a further period of leave (up to two additional days, unpaid) where it is not possible to resolve the situation within one day.

University Visits

Where a member of staff wishes to accompany their dependant in visiting prospective universities, time off with pay can be granted subject to the needs of the School and evidence of open days and attendance.

1. Paternity Leave

- i. The Academy recognises that fathers (or partners) share the responsibility for looking after children, and that particular needs have to be met around the time of birth. Employees (or the partner) will therefore be granted, on request, up to two weeks paid Paternity Leave, which the Academy has decided to pay at the rate of full pay upon the birth or adoption of their partner's child/children.
- ii. To be eligible you will have been employed by us for 26 weeks continuously before the end of the 15th week of the expected week of confinement (EWC), be taking time off to care for the child or their partner and be responsible for the child's upbringing.
- iii. Leave must be taken within 56 days (eight weeks) of the birth or at the beginning of the expected date of childbirth whichever is later. A request for deferment, provided there are exceptional circumstances, may be considered.
- iv. Leave must be taken in two ways, either as a single week or as two weeks consecutively within the same term.
- v. Members of staff will be asked to provide a copy of the certificate of expected date of confinement (MAT B1) before Paternity Leave is authorised.
- vi. In the 15th week before the EWC, the employee should inform the employer in writing of the start date and length of leave. 28 days' notice of any change of date should be made in writing prior to the change in date.
- vii. Employees still qualify for Paternity Leave and pay if the baby is either stillborn from 24 weeks of pregnancy or born alive at any point in the pregnancy but dies.

2. Additional Paternity Leave

- i. To receive Additional Statutory Paternity Pay (ASPP), you must be taking time off (Additional Paternity Leave) to care for the child.
- ii. The child's mother or adopter must have been entitled to one or more of the following: Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Leave or Pay.
- iii. Can be for between two and 26 weeks which must be consecutive.
- iv. Can only start 20 weeks after the child's birth.

- v. The child's mother or adopter must have started working again so that any relevant pay has stopped.
- vi. ASPP is only payable to you during the period of your partner's 39-week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period.
- vii. Pay will be at the current Statutory Paternity Pay rates.
- viii. Leave stops on the child's first birthday or 52 weeks after the child starts living with the adopter.

3. Shared Parental Leave

- i. Shared Parental Leave is a new form of leave which allows a partner to share the Maternity Leave period.
- ii. TiLA supports the principle of shared rights and has a separate policy to cover the process of applying for Shared Parental Leave.

4. Adoption Leave

Members of staff who are matched with a child for adoption will be entitled to paid Adoption Leave subject to the service and notification requirements set in a separate policy.

5. Parental Leave

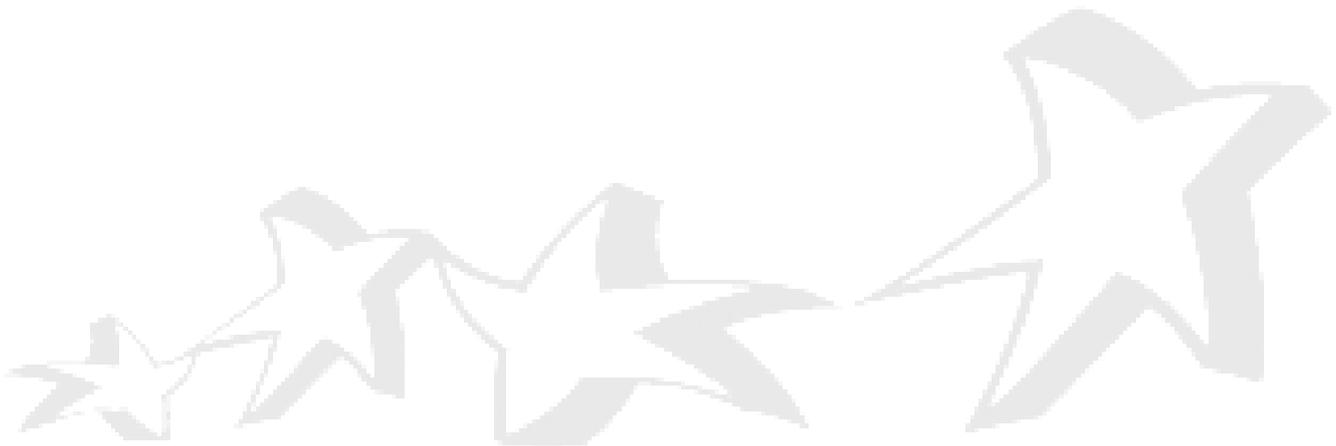
- i. Parental Leave is unpaid. You are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.
- ii. The limit on how much Parental Leave each parent can take in a year is four weeks for each child.
- iii. You must take Parental Leave as whole weeks (eg one week or two weeks) rather than individual days, unless the Chief Executive/Principal/Headteacher agrees otherwise or if your child is disabled. You do not have to take all the leave at once.
- iv. Parental Leave applies to each child not to an individual's job.
- v. To qualify for unpaid Parental Leave you must have worked for TiLA for more than a year.
- vi. You must give 21 days' notice before your intended start date. If you or your partner are having a baby or adopting, it is 21 days before the week the baby or child is expected. **This must be in writing to the Chief Executive/Principal/Headteacher.**
- vii. The employment contract will continue during a period of Parental Leave.
- viii. Periods of leave will therefore count towards continuous service with regard to statutory employment rights, and any contractual terms relating to the accrual of notice or annual leave, sick pay entitlement and compensation in the event of redundancy.
- ix. Parental Leave may be postponed by the School, with good reason, for up to six months, except immediately after the birth or adoption, where appropriate notice has been given.
- x. When a period of unpaid Parental Leave commences the member of staff will be given a choice as to whether or not to continue paying occupational pension contributions. Should the member of staff choose not to pursue this option, occupational pension rights that have accrued prior to the commencement of Parental Leave will be frozen until the employee returns to work. There will then be a period, not exceeding thirty days, when the member of staff must decide whether or not to pay the additional contributions.

6. Time Off to Attend Antenatal Appointments

Employees can take unpaid leave to accompany a pregnant woman to antenatal appointments if they are:

- i. The baby's father;
- ii. The expectant mother's spouse or civil partner;
- iii. In a long term relationship with the expectant mother;
- iv. The intended parent (if they are having a baby through a surrogacy arrangement).

They can accompany the woman to two appointments of up to six and a half hours each.



SECTION B LEAVE FOR SPECIFIC CIRCUMSTANCES

Court Attendance – Jury Service, or to Act as a Witness

- i. Special Leave will be granted to staff called for Jury Service/Witness Duty.
- ii. Staff must advise the Chief Executive/Principal/Headteacher/designated manager when called for Jury Service.
- iii. When a member of staff attends for Jury Service the School/Academy will be asked to complete a form which states the member of staff's net earnings per day, which days a week they work and whether they are able to return to work during the period of Jury Service. This form should be forwarded to the Chief Executive/Principal/Headteacher/designated manager for completion.
- iv. Members of staff called for Jury Service must always claim their full allowances from the Courts. The School/Academy will then make a corresponding deduction from salary.
- v. Where a member of staff is called as a witness the method of payment which applies differs as to whether the witness is called for the prosecution or defence. Witnesses for the prosecution are paid by the CPS. Witnesses for the defence are paid by the Court, but only if they are witnesses of fact and not of character.
- vi. As above, where payment is made, a corresponding deduction from salary will be made by the School/Academy.

Leave to Attend Public Duties

The School/Academy allows staff time off for public duties (in accordance with legislation) as follows if he/she is/has:-

- i. A Justice of the Peace;
- ii. A member of Local Authority;
- iii. A member of any Statutory Tribunal;
- iv. A member of the Managing or Governing Body of an Education establishment;
- v. Membership of a board of visitors for prisons, remand centres and young offender institutions.

Staff who are elected to undertake **public** duties must write to the Chief Executive/Principal/Headteacher/designated manager informing him/her of their election, and request time off to carry out these duties.

Reasonable time off should be authorised by the Chief Executive/Principal/Headteacher/designated manager and such leave will be unpaid except in the case of (iv) in which case this will be with pay.

Leave to Attend Interviews at Other Education Establishments

TiLA recognises that from time to time staff may wish to pursue careers outside the Trust; it therefore supports paid time off for attendance at interviews. **This will be a maximum of three interviews in any one calendar year.**

Time off with pay will be granted for any interview within the TiLA group.

Time Off to Attend Conferences, Seminars etc. as part of Staff Development

Provided that they have been authorised and booked as part of an individual member of staff's programme of professional and personal development, reasonable paid time off to attend conferences and other developmental events will normally be supported.

In every case, prior permission to attend must be sought from the Chief Executive/Principal/Headteacher/designated manager before an application is made. The member of staff wishing to attend must also ensure reasonable notice is given, and any necessary arrangements (i.e. cover) are made well in advance.

Service in Non-Regular Forces

Teachers and term time only staff should attend camp in the School holidays. All year round staff should request unpaid leave, in writing, from the Chief Executive/Principal/Headteacher/designated manager.

International Sporting Activities

An employee who has been selected to represent his/her country in a recognised sporting activity should apply for leave of absence to the Chief Executive/Principal/Headteacher who will then consult with the Chair of Governors and this should be done at least six weeks before the date of absence.

In the event of any employee receiving remuneration as a result of participation in an international sporting activity, this must be declared to the School/Academy's Governing Body.

Study and/or Examination Leave

Paid leave can be granted for the purpose of sitting examinations, but only if the course is completely relevant to the current post held by the staff member, and will enhance the postholder's competence in one or more areas of the job.

Leave for Medical Screening

Paid time will normally be granted to staff who require medical screening as a condition of their employment.

Long Term Unpaid Leave

All requests for long term unpaid leave must be approved on an individual basis by the Chief Executive/Principal/Headteacher. Leave may be granted for a period of between one week and one year and will be offered under the following conditions:

- i. The member of staff will normally have completed one years' service by the start date of the period of leave;

- ii. The period of leave will be unpaid;
- iii. Eight weeks prior to the agreed date of return suitable posts will be sent to the member of staff to select an appropriate post to return to;
- iv. If no post is suitable or acceptable it will be understood that a member of staff has resigned their position;
- v. At the end of the leave the School/Academy will undertake **if possible** to offer a position the same or comparable to the member of staff's previous role.

During the break the member of staff should keep in touch with developments and issues relating to their job, through regular meetings with the Headteacher.

Incident Weather

Employees have a duty to attend work and it is his/her responsibility to get to work and on time. Nevertheless, during bad weather difficulties of time-keeping through travel problems may occur. Where this is the case employees must make every effort to get to work and should keep the School/Academy informed of their progress if they are likely to be late or absent.

In the event that an employee cannot get to work s/he should keep the School/Academy informed of the position and, in agreement with the Chief Executive/Principal/Headteacher/designated manager the absence must be regarded as unpaid leave (e.g. teachers and TTO staff) or annual leave (support staff who work all year round and have sufficient leave left, or if insufficient leave left can take a day from the next year's leave entitlement), or time off in lieu (TOIL) where it is possible to operate this.

Working from home where that is a possibility and agreed with the Chief Executive/Principal/Headteacher/designated manager (all time must be accounted for).

Or exceptionally if the Chief Executive/Principal/Headteacher/designated manager is satisfied with the employee's explanation for lateness and it is possible to organise, it can be agreed that the time can be made up.

In the event of bad weather starting or continuing throughout the day employees may be permitted to leave early, where this is operationally possible, to ease travel difficulties. Time should be made up at a later date if possible or pay, leave or TOIL deducted for the time lost.

In cases of extended bad weather the Chief Executive/Principal/Headteacher may be able to agree for some work to be completed at home providing all time undertaken at home is accounted for in writing.

Unexplained/Uncertified Absence

- i. As soon as it becomes apparent that an employee is absent without an acceptable explanation or Medical Certificate, the Chief Executive/Principal/Headteacher/designated manager should write to the employee. The letter should note the date from which the employee was absent and that no Medical Certificate or satisfactory explanation has been received. It should remind the employee of his/her obligations and say he/she will not be paid beyond the last date at which he/she was either

present at work or absent with an explanation. Ask the employee to reply by return of post. The letter should also invite the employee to a meeting and give the date and time.

- ii. If, within a calendar week, there is no response or no acceptable mitigating circumstances, a further letter should be sent by Recorded Delivery. It should refer to the earlier letter, state the lack of response and explain that unless the employee returns by a specified date (a week later) or unless a Medical Certificate or acceptable explanation covering the whole period of absence is received by that date, then a hearing will be convened to consider the employee's dismissal. The letter should state that if the employee fails to attend the hearing on the date and time provided, a decision will be considered in his/her absence which is likely to result in dismissal for breach of contract of employment.
- iii. If there has been no acceptable response by the specified date, the Chief Executive/Principal/Headteacher should invite the employee to a hearing where the employee's dismissal is considered. Include in the letter the fact that if the employee does not attend the hearing a decision may be taken in his/her absence.
- iv. Should the employee be dismissed at the hearing (irrespective of whether s/he attended the hearing, s/he has a right of appeal to Governors. The employee should be informed of this in writing.
- v. Employees returning to work within the above time periods, who are unable to give satisfactory reasons for their absence, will be subject to disciplinary action, in accordance with the disciplinary procedure, and will not be paid for the period of unauthorised absence. Employees who return to work and provide medical confirmation of their absence may also be subject to disciplinary action for failing to follow the School/Academy's sickness reporting procedure.

SECTION C APPEALS PROCESS

Informal Appeal

Where a request for leave under any aspect of this policy is not granted the member of staff should put the reason for the appeal in writing to the Chief Executive/Principal/Headteacher within two working days of the original request being refused.

The Chief Executive/Principal/Headteacher will consider the appeal and invite the member of staff to discuss the issue if further clarification is needed.

The outcome of the informal appeal will be given in writing within five working days of the original appeal being received.

Formal Appeal

Where the request for leave under any part of this policy is not granted by the Chief Executive/Principal/Headteacher the member of staff is able to appeal to the Local Governing Body. The member of staff should make this appeal in writing and include:

- i. The original request (including dates);
- ii. The reasons they have been given for it not being agreed;
- iii. Any alternative provision offered;
- iv. On what basis they believe the leave should be granted.

Any appeal should be made within two working days of the original request being refused.

The Local Governing Body will consider the request. This will comprise at least two Governors, although for speed this may be by email/phone discussion. Further information can be sought from either the Chief Executive/Principal/Headteacher or member of staff.

The outcome will be communicated to the member of staff within five working days of receipt of the appeal.

There may be circumstances where availability of Governors will cause an unacceptable delay in the decision making. In those circumstances decisions can be taken solely by the Chair of Governors.

There is no further right of appeal.