

Ashton West End Primary Academy

Special Leave Policy



Approved by: The Finance, Premises and Audit Committee

Date: 27th September 2021

Next review due by: September 2023

1. Introduction

This policy provides information on leave of absence that staff are entitled to and will apply fairly and consistently to all staff in Ashton West End Primary Academy.

The academy is committed to having an open dialogue that is required between an employee and their line manager.

It is recognised that, on some occasions, circumstances may arise that are not covered in this policy. In this case, the final decision on granting leave of absence will be at the discretion of the Principal and/or chair of governors.

It should be noted that each case will be judged on its own merits and circumstances. The granting or refusal of time off in one case will not necessarily set a precedent for others. Other than agency workers, this policy applies to all staff including fixed-term, permanent, full-time and part-time employees.

2. Roles, responsibilities and procedure

2.1 Employees should:

- discuss any application for special leave with their manager at the earliest opportunity
- submit special leave requests to the relevant manager using the appropriate documentation and supporting information where needed
- if possible, give at least four weeks' notice before the start of any leave requested, depending on the circumstances
- note that the granting of special leave is not an automatic entitlement
- contact human resources (HR- Strictly Education) if they find it difficult to talk to their line manager due to the nature of the request.

2.2 Managers should:

- consider all requests for special leave, arranging a meeting with the individual to discuss the request if required
- grant leave in accordance with the policy
- ensure that requests are dealt with sympathetically, compassionately, confidentially where appropriate, and in accordance with this policy
- not refuse requests unreasonably
- inform the employee of the outcome of their request within five working days. If a request cannot be agreed, clear reasons must be given and any alternative arrangements considered.
- inform HR of the outcome of the leave request.

2.3 Human resources should:

- advise on all matters of special leave
- implement the special leave policy

- if unpaid leave is granted, ensure any pay deduction for teachers is based on 1/365th of the employee's normal annual salary. Any deduction for support staff will be based on 1/260th of their annual salary.
- keep a confidential record of leave granted.

3. Time off for dependents

Under the Employment Rights Act 1996 employees are entitled to take a 'reasonable' amount of unpaid leave during working hours to take 'necessary' action to deal with illness, injury, birth or death of a dependant and to make longer term arrangements. However, the employer's policy is to paid leave of absence for such occasions

A dependant for these purposes is defined as an employee's spouse or civil partner, a child or parent, and any other person such as an aunt or uncle who lives in the same household as the employee and is dependent on the employee for care and assistance when taken ill, injured or assaulted.

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.

3.1 Entitlement in the case of an employee's child

Paid leave of up to 12 days will be granted a year. Where additional leave is required, eg if a child is ill for a longer term, managers will consider additional leave requests sympathetically and grant unpaid leave or consider other options such as time owing, flexi-time or annual leave where appropriate.

3.2 Illness of a relative

In cases of emergency where there is no other person to care for a close relative, employees may be granted up to ten days' paid leave of absence per year. Further requests for additional time will be considered sympathetically and options discussed with the employee.

3.3 Bereavement

The Statutory Parental Bereavement Pay (General) Regulations 2020 came in to force on 6 April 2020 and gives a statutory right to a minimum of two weeks paid leave to parents who suffer the devastating loss of a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy irrespective of how long they have worked for the employer. The leave is paid at the lower rate of £151.20 per week or 90% of salary.

We, Ashton West End Primary, will pay the employee their normal contractual rate of pay and will extend this right to any members of the employee's immediate family or partner's family. If the employee has sole responsibility for arranging the funeral, then an additional 10 days of paid leave may be granted.

Although the 10 days for parents of a child under the age of 18 is statutory, we may grant additional paid leave depending on individual circumstances.

3.4 Compassionate leave

Where additional leave is requested for caring for a child, parent or partner suffering from a serious illness, up to seven days with pay may be authorised.

4. Time off for medical appointments and medical treatment

4.1 Medical screening

Paid time off will be granted to employees for the purpose of medical screening, including all cancer screening.

4.2 Acting as a donor

An employee will be granted paid time off for up to four weeks to act as an organ/bone marrow donor.

The absence will not be counted against the sick pay entitlement and will not be considered in any absence monitoring procedures.

Employees will be required to submit medical documentation to confirm details.

4.3 Infertility treatment (IVF)

Employees will be granted up to fifteen days paid leave of absence to attend medical appointments or when hospitalised in relation to infertility treatment.

Any further request for time off will be considered at the Principal's discretion and, if granted, will be unpaid.

Employees will be required to submit appointment letters/card to confirm details.

When an employee is unfit for work following a course of treatment, they will be required to submit a doctor's unfit for work note and the absence will be counted against their contractual sick leave and pay entitlement.

4.4 Medical/dental appointments

Where possible, non-emergency appointments should be arranged during non-working hours.

If a doctor's/hospital appointment has to take place during working hours, reasonable time off with pay will be authorised for the employee or their child. However, every effort should be made to arrange appointments at either the beginning or end of the school day to minimise disruption.

One day's paid leave will be authorised for taking a close relative to hospital.

Employees should note that, if a hospital appointment is made during normal working hours, the employee will be asked to provide a copy of the appointment letter/card to confirm the details.

5. Emergency household/domestic leave

Special leave may be requested where circumstances are unforeseen and are unavoidable which require the employee's personal and urgent attention, eg securing their property following a burglary or a boiler breakdown in a household with vulnerable people.

Paid leave will be authorised in blocks of an hour and no more than 15 hours' paid leave will be authorised in the leave year.

6. Leave for employees experiencing domestic abuse

Paid leave of ten days will be offered to any employee experiencing domestic abuse in addition to other leave provisions. This will assist with having to take time off for any relevant appointments. Further leave of absence will be considered for counselling, recovery or respite from the perpetrator.

7. Attending a job interview

Employees will be allowed reasonable paid time off to attend job interviews. If the interview is in the afternoon, the employee will be required to attend work as normal in the morning where this is reasonably possible.

If part of the interview process requires the teacher to visit the school, leave with pay will be granted.

8. Public duties

Paid leave of absence of 18 days in a school year may be approved to undertake public duties and necessary training, including:

- as a magistrate, JP, school or college governor
- as a member of a local authority
- for a statutory tribunal (eg employment tribunal, special educational needs (SEN) tribunal)
- as a local councillor
- as a member of the General Teaching Council for England and Wales
- as a member of an exams board or examinations marker
- as a member of a board of visitors of the Independent Monitoring Board or prisons, remand centres or young offenders' institutions.

8.1 Parliamentary candidate

Staff standing as a candidate for parliament may request unpaid leave of 12 working days.

8.2 Trade union duties

Trade union reps and members will be entitled to paid time off for trade union duties.

8.3 Jury service/attendance at court/employment tribunal

Employees called for jury service should inform their manager as soon as possible in order for cover arrangements to be made in time.

Employees should check with their manager if they will be able to return to work if released from jury service for part days, for full days or early if they are not required for the full two weeks.

If a case is likely to last for more than two weeks, the juror will be asked whether this is likely to cause them any difficulties. Employees should check with their manager if possible before responding to that question.

Employees will be paid their normal salary during their time in jury service. They are, however, required to claim the maximum loss of earnings allowance from the Jury Central Summoning Bureau and submit the payment to HR/payroll.

Employees who are required to attend court as a witness will be allowed paid leave of absence.

9. Accompanying a colleague to a disciplinary or grievance hearing

Reasonable paid time off will be granted to accompany a fellow employee to their disciplinary or grievance hearing.

10. Driving test

Paid time off for half a day on one occasion will be authorised.

11. Election duties

Employees will be authorised one day's leave of absence for taking part in election duties as presiding officers, counting assistants or poll clerks in parliamentary, county or district council elections.

12. Moving house

Employees are encouraged to make arrangements for moving house at the weekend or during a school holiday. Where this is not possible, two days' paid leave of absence will be granted in order to move to a new house.

13. Volunteer members of the British armed forces

Employees who are volunteer members of the armed forces will be granted up to two weeks' paid leave of absence in any school year to attend summer camp if it is not possible to arrange this during a normal school holiday.

14. Leave for religious observance/festivals

If the timing of an employee's religious festival falls during a normal school day, up to two days' leave a year will be granted.

An additional day's leave with pay may be authorised for any special cultural or religious events.

Employees should give as much notice as possible to enable cover arrangements to be made.

14.1 Attending Hajj

Ashton West End Primary recognises that attending Hajj is a once-in-a-lifetime obligation for most Muslims who are financially and physically able.

Request for time off can vary between three to five weeks. As the length of absence will require long-term planning, employees should give at least two months' notice where possible.

Employees will be authorised four days paid leave and the remaining leave will be unpaid.

15. Other special leave

Leave with pay may be granted in some special circumstances, including:

- visit to a solicitor
- car breakdown
- travel problems due to snow
- travel problems due to industrial action
- school of employee's child is closed, eg due to snow
- illness of child minder
- graduation ceremony of a child or partner
- to attend a royal garden party
- to represent a sport at county or national/international level
- to watch a child participate in a national or international music or sporting event
- to assist an elderly dependant move residence.

Conclusion

Ashton West End Primary recognises that it is not possible to cover all circumstances where special leave may be appropriate. If there is a specific or exceptional situation not covered by this policy, employees can discuss with their manager in the first instance or contact HR (Strictly Education) for further information.

Employees who feel they have been unreasonably refused time off should discuss the matter with the Principal in the first instance.