Special Leave Policy

Ffederasiwn Ysgolion **Llanidloes** Schools Federation

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This Policy and Procedure has been agreed by the following professional associations and Trade Unions representing teachers, headteachers and support staff:
GMB, Unison, NASUWT, NEU, NAHT, Voice, UCAC

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1. Introduction

While it is recognised that most employees will occasionally have genuine and acceptable reasons to be absent from work, it is also recognised that whilst a certain level of leave may be inevitable, a reasonable balance must be maintained between the needs of the schools and the support of the employee requiring time off.

Headteachers have the discretion to agree temporary or one-off changes to working patterns to allow staff to make up time by working additional hours. This is subject to the operational requirements of the school and if agreed should be kept on personal files for audit purposes. It should be noted that the headteachers retain the right to decline requests for one-off changes to working patterns should the operational requirements of the schools not allow for the leave to be taken.

All leave in relation to sickness should be managed in accordance with the Attendance Policy and Procedure (Sickness Absence), or the Supporting Working Parents Policy where applicable.

All other requests for any other leave should be managed under this policy.

2. Aims of the Policy

Teachers and many school support staff, unlike other LA employees not working in or with schools, do not have the flexibility to take annual leave during term time. Given that some events, emergencies and appointments arising in the course of employment cannot be organised in advance within school holidays or at weekends, the aim of this policy is to encourage and assist all employees to achieve and maintain acceptable standards of attendance at work by:

- Equipping all headteachers and line managers to manage leave requests consistently, fairly and in a confidentially transparent manner through the use of clear procedures and guidelines;
- Providing a safe and healthy working environment and where possible, to enhance the health and well-being of employees;
- Ensuring that all employees understand their obligations and entitlements with regards to special leave.

It should be noted that Powys County Council anticipates that this policy will be applied consistently across all Powys schools.

3. Scope

This procedure covers all teaching staff employed under the Conditions of Service for Schoolteachers in England and Wales, including those employed by the Governors of an Aided or Foundation school where adopted. It also applies to support staff employed in schools covered under the NJC National Agreement on Pay and Conditions of Service. The procedure will be applied fairly to full time or part time staff and to staff employed on a temporary or fixed term contract regardless of:

- Race;
- Sex;
- Disability;
- Marital or civil partnership;
- Sexual orientation;
- Age;
- Religion or belief;
- Gender reassignment;
- Trade union membership

This procedure does not apply in respect of staff who are employed on a casual basis, including supply teachers.

4. Managing Special Leave Procedure

All leave requests should be submitted to the headteacher or line manager on a school Special Leave Request form (Appendix B), allowing, where practicable, at least one weeks' notice of the requested leave being taken.

For 'other' leave not listed in this policy, a Request for Leave form (Appendix B) should be fully completed by the employee and passed to the headteacher or line manager allowing, where practicable, two weeks' notice. This should include an explanation for the leave request. The line manager (where this is not the headteacher) should pass this decision to the headteacher. The headteacher may wish to discuss the application with the relevant committee of the governing body before reaching a decision.

When considering applications for 'other' leave not listed in this policy (or discretionary additional leave to types of special leave permissible under this policy) consideration will be given on a case by case basis. Factors to be considered include:

- Consistency of approach;
- Personal circumstances of the employee;
- The likely impact on the employee of not granting the request;
- Special leave already taken by that employee in the current academic year and whether this was granted or refused;
- Burden of additional costs;
- Inability to re-organise work among existing staff;
- Additional burden of work being placed on other staff;
- Detrimental impact on quality and/or performance.

Once a decision has been made in response to a request for leave, the headteacher or line manger must complete the headteacher or line manager's section of the Request for Leave form to notify the employee of the decision. This includes whether the request is granted and whether the leave will be with or without pay. Where an employee is unhappy with the headteacher's decision the matter may be referred to the Chair of the Governing Body for a final decision. This does not preclude the

headteacher from discussing a request with the Chair of the Governing Body prior to making a decision.

In the event of emergency leave where prior notification is not possible, the employee is required to contact their headteacher or line manager to request special leave, following the same process as they would to report sickness absence to their headteacher or line manager. This should be as soon as is reasonably possible but not usually any later than one hour before their expected start time. The Request for Leave form (Appendix B) should then be completed on return to work.

If no contact has reasonably been made, the headteacher is required to make a deduction to salary for the unauthorised leave.

5. Responsibilities

It is the responsibility of the employee to provide notice of leave by completing a Request for Leave Form prior to the leave required (Appendix B) and ensuring that the headteacher or line manager is made aware of a request for leave as soon as reasonably possible. It is the responsibility of the headteacher to ensure that leave requests are dealt with in a fair, timely, consistent and transparent manner. The headteacher or line manager should record and monitor leave appropriately and may seek the advice of the staffing committee of the school's governing body for a decision to grant any other leave request that is not listed in this policy.

Headteachers and line managers are responsible for ensuring that accurate records are maintained. They should also ensure that staff absences are regularly monitored and reviewed and that appropriate confidentiality is maintained.

Headteachers and line managers are responsible for identifying patterns of absence within schools which may be an indicator of employee's personal or work-related issues. Where such patterns are identified, headteachers and line managers can seek appropriate advice from the schools' HR Team on possible actions.

6. Misuse of Policy

The misuse of this policy may result in disciplinary action. The headteacher has the responsibility to monitor levels of absence, and if an employee unreasonably exceeds emergency leave within a school year, or is deemed to be falsely requesting leave that has been agreed by the headteacher or line manager, action may be necessary under the disciplinary policy.

In the event that special leave is declined and an employee proceeds to take the leave then an appropriate deduction of pay will be made and disciplinary action will be considered.

7. General notes

The list of ‘close relatives’ detailed in this policy is not exhaustive. Consideration should be made as to the impact a family member may have on the employee’s life.

The legal definition for Time off for Dependants is “reasonable amount of time”. For the purposes of this policy the term ‘reasonable’ should be decided by individual schools on a case by case basis.

8. Monitoring and Review

The Governing Body should monitor the outcomes and impact of this policy and procedure on an annual or biannual basis in conjunction with school staff or Trade Union representatives.

This policy will be reviewed no later than two years by Human Resources in consultation with Trade Unions and Powys County Council’s Schools Service.

Appendix A

All leave will be pro-rata for part time workers

LEAVE	DEFINITION OF LEAVE	CONDITIONS OF LEAVE	PAID	UNPAID
Bereavement or Compassionate Leave	Leave in the event of the death of a close relative: parent, sibling (including step-sibling), spouse or partner, child (including adopted or fostered), mother-in-law, father-in-law, grandparent, grandchild or other nominated next of kin. See 8 - general notes	**Time allowed is per close relative** If the death results in an inquest reasonable time off will be allowed.	Up to five working days, including day of funeral.	Additional leave up to one month may be granted.
Special Leave in the event of illness or emergency	Serious illness of dependent or close relative: Serious illness is defined as a sudden injury, impairment or diagnosed condition that has significant impact on the individual affected (for example hospitalisation due to a car accident, stroke, meningitis or heart attack). In the event that a dependent's normal care arrangements cease unexpectedly, are interrupted or where an incident which involves a dependent of the employee occurs unexpectedly at a time when they are in the care of an educational or other establishment. Unexpected minor illnesses of a dependent that prevents the dependent from attending their normal activity (cold, flu, chickenpox, and viruses (not an exhaustive list)).	**Time allowed is per school year** This leave is to be used in the event a child is ill and unable to attend nursery or school and in the event of any other emergency such as a car breakdown or burst pipe at home.	At headteacher's discretion.	Please note that Parental Leave may be available in some cases - see separate policy. Up to five working days (typically only one day's leave would be granted for each occasion) but this is at headteacher's discretion.

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	To cover in the event of a genuine emergency such as a car breakdown or house flood.	There is an expectation that the employee will do their utmost to find alternative arrangements in relation to care of dependents in the event of an emergency or unexpected illness.		
Funeral of friend or colleague		If significant travel is required this is to be discussed with the headteacher. In the event the funeral is for a colleague, it is headteacher's discretion to allow time off.	At headteacher's discretion.	At headteacher's discretion.
Public Duties	Time off is available if an employee is: • a magistrate (also known as a justice of the peace); • a county councillor (in another council) or town councillor; • a school governor; • a member of any statutory tribunal (e.g. an employment tribunal); • a member of the managing or governing body of an educational establishment; • a member of a health authority; • a member of the General Teaching Councils for England and Wales;	Evidence should be provided to the headteacher to support any request for leave of this nature.	See guidance provided by the relevant organisations for information.	See guidance provided by the relevant organisations for information.

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	• a member of the Environment Agency or the Scottish Environment Protection agency; • a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland); or • a member of Scottish Water or a Water Customer Consultation Panel.			
Armed Forces Reservists	Reservist members of the non-regular forces who attend summer camp or mandatory training directly connected to their role.	**Time allowed is per school year**	Up to ten working days per school year to be applied for in advance and approved by the Chair of the Governing Body.	
Emergency Services personnel	Employees who are on-call fire-fighters, special constables, members of mountain rescue teams or crew members of the voluntary ambulance service (including the St John's Ambulance Service) – to undertake official duties.	**Time allowed is per school year**	Up to ten working days per school year to be applied for in advance and approved by the Chair of the Governing Body.	

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Participation in international sports	Employees who have been selected to compete in sporting events at international level.	**Time allowed is per school year** Documentary evidence of selection will be required.	At headteacher's discretion.	At headteacher's discretion.
Election Duties	Presiding officer, poll clerk, counting assistant, in either council, parliamentary, European or police commissioner elections.	Schools may choose to refuse employees requesting time off to attend election duties if this will be detrimental to service delivery. If agreed, time off is allowed with pay by the school in addition to the payment made by the council. However, If the election falls outside of the employee's normal working hours the employee will not receive additional pay by the school.	Up to one working day, only for employees paid at no higher than scale point 49 or equivalent. Leave is to be applied for in advance and approved by the Chair of the Governing Body.	For employees paid above scale point 49 unpaid leave may be granted at the discretion of the Chair of the Governing Body.
Examining Groups	Employees involved in: • External Examiner/Markers and Awarders; • External Moderator; • Setters or revisers of question papers; • The groups instructors or presenters of INSET courses; • Membership of Committees; • Membership of subject panels; • Representation on regional or national organisations.	The amount of release time required will vary depending on role and subject. Time off to cover duties in accordance with appendix ii of the Burgundy Book will be granted for teachers.	Reasonable time off.	

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Jury Service	Summons to serve on a jury.	Please refer to the link below which gives advice around how to claim for expenses and what employees required to attend jury service will be paid: https://www.gov.uk/jury-service/what-you-can-claim All time off for jury service will be unpaid by the school as this is paid by the court. Ten days' pay will be deducted by the school during the same month the employee is required to serve. Schools then notify Payroll if the actual time served is different so that pay adjustments can be made. Authorisation is not required by the headteacher as Jury Service is compulsory but schools will need to inform Payroll by using the request for leave form. It is important that if an employee is part time the working pattern is stated on the form. Payroll require a copy of the receipt from the court.		As required by the court.
Wedding	To attend a wedding	Schools may choose to refuse employees requesting time off to attend a wedding if this will be detrimental to service delivery.	At headteacher's discretion.	At headteacher's discretion.

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Domestic Abuse	Where a case has been identified by the authorities, the school will fully support the employee where possible.	To allow for attendance of appointments with support agencies, solicitors, re-housing, court appearances etc.	At headteacher's discretion.	At headteacher's discretion. See also **Special Leave in the event of illness or emergency** where care arrangements are affected.
Strike Action		If the headteacher makes a decision to keep the school open then all employees taking strike action will have pay deducted on daily rate for the period of strike action. If other schools or pre-school provision in the area are closed and this impacts a dependent's normal activity please refer to **Special Leave in the event of illness or emergency.** Trade Unions may inform headteachers who their members are and from this headteachers can infer which employees may be expected to strike, unless the employee informs the headteacher that they will be available to carry out their normal duties. The responsibility to inform the headteacher that they will be available for work rests with the employee.	The period of the strike action (if the school the employee works in is closed). **Please note that this only applies to employees not striking who are prevented from working by the strike action**	The period of the strike action (if the school the employee works in remains open).

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Moving House	One day's leave per move event.	Must be the employee who is moving home and must be their primary residence.	One day only to be paid.	
Graduation ceremonies	Where a close family member is graduating.	Must be a close family member.	One day only to be paid.	
Job Interviews	To attend an interview for a new job.	If the post being interviewed for is in education then one day may be paid, if the post is not in education then leave would be unpaid.		

Appendix B

REQUEST FOR LEAVE

EMPLOYEE TO COMPLETE				
Name				
Employee number				
Post title				
First date of absence				
Date of return				
Number of days/hours to be taken				
Reason				
Details				
Appointment card available				
Request made before leave starts date	Yes		No	
Signature				
HEADTEACHER AUTHORISATION (please tick and sign as appropriate)				
Number of days/hours granted **with pay**				
Number of days/hours granted **unpaid**				
Additional comments: (if jury service, part time working pattern required and form needs to be submitted to Payroll)				
Signature				
Print Name				
Date				

- MAKE DEDUCTION IF REQUIRED THROUGH DEVOLVED INPUT
- COPY TO EMPLOYEE CONFIRMING DECISION