



# Special Leave Policy

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## Document provenance

This policy was approved by –

E-ACT's Executive Leadership Team

Date: September 2018

Frequency of review: Three years

Next review date: September 2021

ELT Owner: Director of Corporate Services

Author: National HR Officer

Summary of changes at last review:

- Confirms leave for public duties basis/full pay unless otherwise stated
- Includes one day of special leave for moving house
- Allows reasonable time off for interviews
- Confirms position where staff unable to attend due to adverse weather

Related documents:

- Flexible Working Policy

This policy will be interpreted and applied in accordance with the employers' duty to respect the rights of employees under the Human Rights Act, particularly the rights to freedom of speech, privacy, freedom of religion and belief and the right to freedom of association.

Recognised trade unions have been consulted on this policy.

## **1. Introduction:**

- 1.1 Leave of absence is not an entitlement to a number of days off per year. The purpose of leave of absence is to ensure that employees are able to manage particular circumstances that may occur in their lives where it is not possible to arrange these during school holiday periods and time off may be required. It is expected that requests will only be made for leave of absence in term time once all other alternatives have been considered.
- 1.2 This policy considers leave of absence requests for all employees except agency staff. Leave of absence will be granted based on the operational needs of the academy.
- 1.3 A year refers to 1 September to 31 August.
- 1.4 This policy does not form part of an employee's contract of employment and may be amended at any time in consultation with recognised trade unions. We may vary the procedure for leave of absences including any time limits, as appropriate in any case.
- 1.5 Headteachers, Regional Directors and ELT will have responsibility for approving/declining all requests together with line managers but may seek advice from E-ACT's procured HR advisory service. These positions are referred to as 'decision maker' throughout this policy.
- 1.6 This policy is used to deal with requests for absences from work for the reasons contained within this policy. It does not cover requests for flexible working, maternity, paternity, parental and adoption leave. These processes are available in the relevant policies on E-ACT's intranet platform.
- 1.7 Close family is 'Close relatives' or 'immediate family' are defined as spouse, partner, children, parents, grandparents, sister/brother, parents-in-law and those of partner or nominated next of kin. This also includes step children, foster and adopted children/parents. Consideration may be given to other relatives not mentioned above on a case by case basis.
- 1.8 If an employee is found to be abusing this policy they may be subject to disciplinary procedures, using E-ACT's Disciplinary Policy and Procedure.
- 1.9 Before granting any leave of absence, a decision maker may consider the following alternatives:
- Working from home
  - Flexi time
  - Time in lieu
  - Temporary adjustment to hours
  - Annual leave
- 1.9 Any pay deductions will be calculated at the rate of 1/365th of normal annual salary.

## **2. Process for making requests**

- 2.1 E-ACT recognises that it may not always be possible to request certain types of leave in advance. Where it is not possible to request leave in advance employees must contact the decision maker as soon as possible to tell them the reason for the absence and the number of days leave that they anticipate being absent. The decision maker may then discuss the situation with you and agree next steps.
- 2.2 Employees should ensure that other than in emergency situations they make their request for leave in advance to enable E-ACT to consider the request carefully and to ensure that cover can be implemented where required.
- 2.3 Employees should make a request by completing the Request for Leave of Absence Form at Appendix 1 and giving to the decision maker. The form will be completed and returned to you when a decision has been made. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the decision maker which will be based on the evidence available.
- 2.4 Where it is possible to do so in advance or when you return to work after taking time off under this policy, we might ask you to provide evidence for your reasons for taking the time off.

## **3 Public service**

### **3.1 Public Duties**

3.1.1 All staff will be granted reasonable paid leave of absence to serve on public bodies or undertake public duties. The employee is entitled to any attendance allowances/expenses in addition to full pay. However, where an allowance is claimable for loss of earnings, the employee must claim and pay the allowance to E-ACT.

3.1.2 This provision includes:

- A juror (see 3.3)
- a [magistrate](#) (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (eg 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 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)
- a member of Scottish Water or a Water Customer Consultation Panel
- a [trade union](#) member (for trade union duties)
- an examination marker, in line with the provisions set out in the Burgundy Book (Section 6). This also gives details of how the trust may be reimbursed when a teacher has to be released.

3.1.3 Staff standing as candidates for parliament may request up to 10 working days unpaid leave.

3.1.4 As soon as you are aware that you will require time off for performance of a public service you should notify the decision maker in writing, providing full details of the time off that is being requested and the reason for the request.

3.1.5 E-ACT will agree to requests for time off to undertake public duties wherever reasonably possible. Each request for time off will be considered on its merits, in the circumstances in which it is made including:

- whether the activity is reasonable in relation to your employment
- how much time off is reasonably required for the duty in question
- how much time off you have already taken for the public duty in question
- how your absence will impact on the academy/region/trust

### **3.2 Employees Serving on Outside Bodies**

3.2.1 E-ACT supports employees to perform certain public duties that they may be committed to undertake and will give them time off to do so where it does not conflict with the operational needs of the Trust.

3.2.2 Decision makers have the authority to approve requests for employees to attend meetings of Professional Bodies, Associations, National Committees, etc. subject to a maximum of 4 paid days leave per year.

### **3.3 Jury service**

3.3.1 Employees should tell the decision maker as soon as they are summoned for jury service and provide a copy of the summons, if requested.

3.3.2 E-ACT may request that the employee applies to be excused or have the jury service deferred depending on the operational demands of the academy.

3.3.3 E-ACT is not required to pay employees while they are absent on jury service. You will be advised at court of the expenses and loss of earnings that you can claim. We pay basic pay to employees who are doing jury service less amounts you can claim from the court for lost earnings for up to 10 working days. Payment for time off beyond 10 working days may be paid at our discretion.

### **3.4 Witness in Court**

3.4.1 Employees who are required to attend court as a witness either in a criminal or civil case where a witness summons or subpoena is issued, shall be granted time off with pay. Where loss of earnings can be claimed the employee must claim and pay the allowance to E-ACT.

3.4.2 Where an employee is requested to attend court as a witness by the Crown Prosecution Service (CPS) they will be paid an allowance by the CPS towards basic salary lost which they must claim and repay to E-ACT.

3.4.3 Reasonable paid time off will be granted where:

- an employee is attending court (but where neither a witness summons nor subpoena has been issued) and is giving evidence in cases of violence or harassment involving a request by the employee for court orders (e.g. injunction proceedings)
- an employee attends court as a witness in a civil case, but not answering to a subpoena.

3.4.4 The employee will provide, upon request, documentary evidence in connection with their attendance.

#### **4 Service in non-regular forces**

4.1 Our contracts of employment specify that an employee needs the consent of the trust to undertake additional employment and an employee must notify their line manager if they are a reservist.

4.2 Employees who need time off for reservist commitments are expected to use existing holiday entitlement. In exceptional circumstances we may grant additional leave (either paid or unpaid) in order for these commitments to be met.

4.3 Whilst we will do everything possible to meet your request for leave it may not always be possible for operational reasons. If we receive notice that you have been called-up there may be occasions when we need to apply to an adjudication officer for the notice to be deferred or revoked if your absence would cause serious harm to E-ACT (which could not be prevented by the grant of financial assistance).

4.4 Once your military service has ended you may submit a written application for reinstatement to your employment. This should be made by the third Monday following the end of your military service and you should notify us of the date on which you will be available to restart work.

4.5 If it is not reasonable and practicable to reinstate you into your former employment we will offer you the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

#### **5 School closure for polling day**

5.1 Employees will be paid if an academy is closed for polling day.

#### **6 Bereavement leave**

6.1 Up to 10 days paid bereavement leave may be granted to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral. An additional 5 days' paid leave may be granted at the discretion of the decision maker and will be considered on a case by case basis, bearing in mind fairness in its application. For any other funeral i.e. not a close relative, the request for leave must be approved by the decision maker, and would normally be a maximum of one day paid leave for the funeral plus reasonable travelling time.

6.2 An additional 5 days paid compassionate leave may be granted to help employees where they need to deal with necessary arrangements for or assist a close relative who is seriously or critically ill. This does not apply in the case of domestic emergencies, or where normal caring arrangements have been disrupted.

## **7 Absence for dental treatment**

- 7.1 Routine visits to the dentist (i.e. all non-emergency appointments) should be arranged during an employee's own time.
- 7.2 Urgent dental treatment should be treated as a medical appointment and there will be no need for leave of absence to be requested.
- 7.3 If such an emergency requires the employee to continue to be absent from work for a period longer than that necessary to gain treatment, the absence will be treated as being due to ill health and the normal sickness procedures will be followed.

## **8 Absence for Doctors/hospital appointments.**

- 8.1 Wherever possible, all Doctor's/Hospital appointments should be made in an employee's own time. Where an employee is unable to ensure that appointments are in their own time, then an appointment may be made in normal working hours and time off with pay will be granted.
- 8.2 Where a hospital appointment is made in normal working hours, the employee will be asked to provide the decision maker with the appointment card/letter in order to confirm the details. Whilst it is acknowledged that initial hospital appointments may be unavoidable within work time, where possible, follow up appointments should be arranged in the employee's own time. If this also proves difficult, then effort should be made to arrange appointments at either the beginning or the end of an employee's working day to minimise disruption.
- 8.3 All non-elective hospitalisation should be treated as sickness. Medical certificates should be provided in accordance with the normal sickness procedure.
- 8.4 Where the treatment involves longer periods of hospitalisation or absence, medical certificates should be provided in accordance with the normal sickness procedure. Please see the E-ACT Sickness Management Policy for further information.

## **9. Time off to care for dependants**

9.1 A dependant for the purposes of this policy is:

- an employee's spouse, civil partner, parent or child;
- a person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee; or
- anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 4.1.

9.2 The law recognises and we respect that there will be occasions when you will need to take time off work to deal with unexpected events involving one of your dependants. All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:

- provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- make longer-term care arrangements for a dependant who is ill or injured;
- take action required in consequence of the death of a dependant;
- deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or
- deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

9.3 The decision maker may also consider the following alternatives especially if moving onto unpaid leave:

- Working from home
- Flexitime
- TOIL
- Temporary adjustments to hours

9.4 Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis and it is necessary to take action in relation to a dependant. This will depend on the nature of the problem, the closeness of the relationship between you, and whether someone else is available to assist. Reasonable time off will normally be one day and in most cases will be less than a day which will be paid. However, we will always consider each set of circumstances on their facts.

9.5 If you know well in advance that a problem might arise or you wish to take time off to care for a dependant yourself (including appointments for your employee's child e.g. dental/doctor appointments), rather than make alternative arrangements, this policy will not apply. You should make other arrangements to deal with such situations such as making these appointments outside normal working hours/annual leave. However, where an employee's child is allocated a specific, fixed hospital appointment time, and the employee is unable to cover the absence using their own time, reasonable time off with pay may be granted.

9.6 You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell the decision maker:

- the reason for your absence; and
- how long you expect to be away from work.

9.7 In the event of the serious illness of a dependant (dependant outlined in 4.1) the number of days leave may be increased to 10 paid days. Any time off over 10 days will be considered on a case by case basis, subject to specific circumstances. Unless exceptional circumstances, additional time off will normally be granted without pay.

9.8 The employee may be required to submit medical evidence in respect of the sick dependant, at whatever point the decision maker feels appropriate.

9.9 Where a request is made to nurse a terminally sick dependant should be treated with particular sympathy, granting paid leave of absence for a limited period in the first instance and reviewing the situation regularly.

## **10. Domestic, personal and family reasons (for dependant leave see 9)**

10.1 Up to 5 occasions of paid absences may be granted for domestic reasons (urgent or otherwise). It is expected that those employees who have the option to choose when to take their leave will use their annual leave entitlement before making a request for domestic reasons. The decision maker may also consider the following alternatives:

- Working from home
- Flexitime
- TOIL
- Temporary adjustment to hours

10.2 Plans or arrangements for the time off should not be made by the employee until they have received a decision in relation to their request and their request is granted.

10.3 Leave to be granted under this provision may include the following, but the decision maker will consider each set of circumstances on the facts, including:

- the nature of the request;
- the relationship of the employee to the person the request relates to where applicable and;
- whether the event or incident is an exceptional circumstance that could not be arranged outside of normal working hours:

## **11. Moving house**

Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, 1 day's leave may be granted by the decision maker.

## **12. Wedding or civil partnership ceremony**

Employees should make their own wedding/civil partnership arrangements outside normal working days. One day unpaid will be granted to enable employees to attend any other wedding. Annual leave should be used for employees on full time contracts.

## **13. Other special events**

E-ACT recognises that in exceptional circumstances there will be special events in an employee's life that cannot be arranged outside normal working days i.e. graduation ceremonies, school productions, sports days or where an employee is to attend a specific function or event, either as a participant or in support of others e.g. receiving some kind of honour. The decision maker will consider requests for time off for these purposes which will be one day with pay. Other staff are expected to use annual leave.

#### **14. Urgent domestic business**

This would enable staff to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc. Again, the decision maker may consider alternative options in 1.9

#### **15. Special absence for other personal or family reasons**

Where the employee has a minimum of one years' service at the date of commencement of the leave, special absence for other or personal family reasons e.g. to travel abroad to visit a sick family member may be considered in exceptional circumstances. A holiday will not be considered an exceptional circumstance.

#### **16 Time off for medical screening**

16.1 All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments will be paid.

#### **17. Donors**

17.1 Employees who donate blood or other medical tissue are encouraged to do this outside of working hours. Where this is not possible requests for time off to attend these appointments will be considered under this policy. Reasonable time off will be paid.

17.2 For organ/bone marrow donor, paid time off will be granted for up to 4 weeks. Any time over 4 weeks will be unpaid. This time should not be deducted from sickness entitlement or considered in absence monitoring procedures. Supporting medical documentation will be required.

#### **18. Treatment in relation to infertility (IVF)**

18.1 Employees who are planning to undergo a course of fertility treatment or are planning to become a surrogate should discuss their treatment plan and requirements for time off with the decision maker. E-ACT will consider these cases based on the individual circumstances.

18.2 Reasonable time off, up to 5 days per year, will be granted for employees. When an employee is unfit to work due to medical reasons following treatment, this will be dealt with in line with the sickness management policy.

#### **19 Impairment related leave**

19.1 This leave applies to all staff when an absence is unavoidable, and is related to a disability, but is not due to illness/sickness, reasonable impairment related leave with pay will be granted. This will avoid disabled employees having to take leave that is then inappropriately classified as sick leave.

19.2 Impairment related absences may occur when disabled employees have to take leave due to external circumstances which affect their ability to attend work.

19.3 Disabled employees may be granted impairment related leave in the following circumstances:-

- Breakdown of usual arrangements at work, for example: sickness of personal assistant, malfunction of aid or adaptation, alteration to work premises, lifts, toilets, car parking etc. which prevent an employee from attending or remaining at school and where no suitable alternative arrangement or work (e.g. at home/other site) can be found.
- Breakdown of usual arrangements which make it unreasonably difficult to get to the academy. For example, mobility aids such as wheelchair, artificial limb or car breakdown in the absence of a suitable accessible alternative.
- Unfavourable weather conditions which put the employee at risk. For example, ice, snow, fog or strong winds, etc.
- If not already covered under Hospital/Medical Appointments, time off for impairment related medical visits (where it is not possible to arrange such visits out of working hours) in relation to assessment, treatment, servicing or repairs to mobility aids and rehabilitation.

19.4 In respect of the above circumstances, a reasonable level of proof may be required by the decision maker.

19.5 A disabled employee will only be granted impairment related leave if reasonable alternatives to enable the disabled employee to attend work cannot be made.

19.6 Although this procedure will separate impairment related leave from general sickness and other special leave, it will still need to be managed in a proactive way and offer support to disabled people in order to reduce the number of absences where appropriate.

19.7 Decision makers and employees must make every effort to identify and discuss the situations that might necessitate impairment related leave. Disabled employees will often be aware in advance of the circumstances that make it difficult for them to work or get to work. Because an event arises that has not previously been identified, this does not mean that leave will not be granted.

19.8 When the instances which trigger impairment related absences occur, the decision maker and employee should discuss reasonable ways of overcoming them and reducing the need to take impairment related leave through flexible working and the use of technological developments. For example, arrangements could be made for the disabled employee to work from home during periods when they are unable to attend work.

## **20 Leave for examinations**

20.1 Leave to sit an examination that would enhance an employee's role specific professional development, the period necessary will be granted with pay.

## **21 Interview leave**

21.1 E-ACT accepts that employees will have little or no control over when an interview will take place and reasonable time off for the interview will be paid.

21.2 Visits to schools prior to applying for a post should wherever possible be arranged in an employee's own time, unless the receiving school is unable to accommodate this. If part of the interview process requires the teacher to visit the school then leave with pay is allowed.

21.3 Where interview related absence becomes a recurrent feature and the balance of service

delivery is affected E-ACT reserve the right to grant leave without pay. The decision maker can ask an employee to provide evidence of interview.

21.4 For interview leave for any other prospective employer (i.e. not at a school) then a leave of absence will be unpaid.

21.5 For employees employed full-time, annual leave should be used.

## **22 Religious festivals**

22.1 Employees whose religious beliefs require the observation of festivals which fall on days upon which they would normally work, may be granted up to 2 days leave with pay.

22.2 Employees must inform the decision maker at the start of each academic year of any dates that they may need to request off. Where this is not possible, employees should provide this information as soon as they are able to but no later than 10 working days before the date of the requested leave. The decision maker will consider the operational needs of the academy/trust first.

## **23 Hajj**

23.1 When considering requests for leave for Hajj, decision makers need to be aware that all Muslims, if they are physically and financially able, must attend the Hajj. It is a once in a lifetime obligation that takes place in the twelfth month of the Islamic calendar. The request for leave may involve the employee being absent for a period of 5 or 6 weeks. This request needs long term planning and a great deal of consideration will be required.

23.2 Subject to granted authorisation from the Headteacher of the leave of absence, two days paid leave will be granted and the rest of the absence will be unpaid.

## **24 Overstaying/delayed returns**

24.1 If staff, returning from a holiday abroad or returning from extended leave for religious/cultural reasons, are delayed in returning from the country they have visited, for reasons such as transport strikes, delayed flights, accidents etc. and this delay takes them into term time, then in such circumstances it is the member of staff's responsibility to maintain communication with the decision maker and to keep to an absolute minimum any unforeseen overstay.

24.2 On their return the decision maker will need to consider the reasons for the delay. If the circumstances are not covered by any other policy the period of absence would be without pay, unless the reason for the delay can be proven to be beyond the employee's control. If the employee is employed throughout the year then they may take the additional time as annual leave.

24.3 In the first instance staff should claim compensation from the travel company, however; if the member of staff is unable to claim compensation the circumstances of the delay should be considered when deciding whether leave should be with pay.

24.4 Staff should plan their holidays so that routine delays do not affect their return to work, e.g. not

returning in the early hours before a working day. If a delay affects the return date then this would be without pay.

## **25. Adverse weather**

25.1 If an employee is unable to attend work due to the weather, alternative provisions can be put in place as set out in 1.9 as well as, making up time, of if part-time employees, working on a different day instead. Depending on the circumstances, an employee may wish to use annual leave to avoid unpaid leave. All cases will be dealt with on their merits.

25.2 An employee may need to take time off for dependants if their school is closed (see 9).

## **26. Leave of absence without pay**

26.1 In addition to the provisions outlined in this document, decision makers also have the discretion to grant leave of absence without pay. Each case should be considered on its individual merits, such as, for family or personal reasons e.g. long term care of a close relative or a full time course of study to enhance an individual's personal development. The course must be appropriate, of benefit to the individual and to the Trust as a whole.

26.2 A leave of absence request should not be approved for the purpose of work/financial gain e.g. short term contract with another employer or consultancy work. Requests which have neither educational nor compassionate grounds will not normally be considered.

## **27. Secondment**

27.1 Secondment to other, temporary employment is at the Trust's discretion. However, if the decision maker is minded to agree to a secondment it should not be done without precise, written agreement over the employee's return to the school, regional or national team when the secondment ends and over the financial arrangements. Advice must be obtained from the Trust prior to any agreement.

## **28 Retention and data protection**

28.1 Through the application of this policy, the [School/Academy/Trust] may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulation ((EU) 2016/679) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998). Records will be kept in accordance with our [Workforce Privacy Notice], our [Retention and Destruction Policy] and in line with the requirements of the Data Protection Legislation.

## **29 Review of policy**

29.1 This policy is reviewed every 3 years by E-ACT in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

# Appendix 1

## Request for Leave of Absence Form

A completed copy of this record needs to be returned to the member of staff making the request and a copy needs to be kept on the members of staff's personnel file.

<b>Name</b>					
<b>Place of work</b>					
<b>First date of absence</b>		<b>Last date of absence</b>		<b>Total No. of working days</b>	
<i>If the time required is less than one day, please state the number of hrs. required and the time period you will be away from the work place.</i>					
<b>No. of hours Required</b>		<b>Time away from the workplace</b>	<i>Insert time period i.e. 09.00 – 11.00</i>		
<b>Please provide an explanation as to the type of leave required, with reasons, together with supporting documentation.</b>					
<b>Date</b>					
<b>Signed</b>					

*Please return this form to your line manager/decision maker*

**Appendix 2**

**Decision Form**

A completed copy of this record needs to be returned to the member of staff making the request and a copy needs to be kept on the members of staff's personnel file.

<b>Line Manager's Recommendation</b>	
<b>Approve (reason)</b>	
<b>Not Approve (reason)</b>	
<b>Amount of special leave already taken this academic year</b>	
<b>Signed</b>	
<b>Date</b>	
<b>Approver's Decision</b>	
<b>Approved (reason)</b>	
<b>Not Approved (reason)</b>	
<b>No. of authorised leave days paid</b>	
<b>No. of authorised leave days unpaid</b>	
<b>Date</b>	
<b>Signature of Decision Maker</b>	

*Please return a copy of this form to the employee*