



Wingfield Academy

Special Leave With and Without Pay Policy

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Reviewed
October 2019

Review Date
October 2020

Governor Ratification Date
December 2019

SPECIAL LEAVE OF ABSENCE AND TIME OFF REGULATIONS TEACHERS & SUPPORT STAFF

The issue can be categorised in two ways. Firstly, within the conditions of service for certain types of paid leave there are areas of discretion for the School/Trust to extend paid time off.

Secondly, there is the issue of granting additional paid leave for reasons other than those specified in the national and local conditions of service and statutory provisions.

Along with many other Conditions of Service, the granting of leave of absence and time off to staff at schools with delegated budgets will still remain the responsibility of the employer, although the Governing Body have the discretion to agree to special leave with pay for absences not covered by conditions of service.

The Employer remains responsible for the establishment of policy on this matter but has decided to delegate to Governing Bodies the exercise of any discretion available under this policy in considering individual requests for leave, or time off, from school-based staff.

Governing Bodies are free to delegate the exercise or part of this discretion to the Headteacher of their school. The granting of paid leave of absence for purposes other than those specified in the leave of absence regulations is a matter for the Governing Body of the school in accordance with powers under Section 50 of the School Standards and Framework Act 1998.

This would mean that if a Governing Body wished to grant leave for purposes other than those specified in the local conditions of service then legally they could but it would be in conflict with agreed policy.

Any cost would be met from the schools' delegated budget and is not covered by the insurance scheme. Obviously, any individual case has to be considered on its merits and care needs to be given in relation to setting precedents.

The benefit of having an agreed policy is that it provides equal treatment of staff.

Where individual cases are agreed outside that policy there is a potential for establishing a precedent. However, provided each case is determined on its merits then this could avoid that situation.

Applications for Time Off – Procedures

Other than for reasons of personal illness or emergency, no employee may be absent from duty without the prior permission of the Headteacher.

Personal leave will not normally be granted immediately before or after the school holiday closure periods, except in exceptional circumstances.

Applications should be submitted in reasonable time and in writing to the Headteacher.

It is suggested that approval to grant time-off be in accordance with the normal practices and procedures on such matters as set out in this section.

All absences of staff shall be reported by completion of a Special Leave request form forwarded to the Schools payroll provider, a copy of this form should be retained at the school.

Any request for special leave should be supported and submitted with documentary evidence e.g. appointment letters etc.

Considerations relating to time off

The following factors will need to be taken into account when considering requests for time off.

- Reason for time off request
- nature of service
- availability and need for cover
- cost implications
- expected length of time off
- number of previous absences on the specific activity (and other activities) for which time off has been requested
- amount of notice given.

SPECIAL LEAVE WITH PAY

Public Duties

Section 29 of the Employment Protection (Consolidation) Act, 1978, lays down a requirement upon employers to grant reasonable time off to employees engaged on certain public duties.

Positions Covered:

- The provisions specified in the Act apply to employees who are:
- Justices of the Peace (Magistrates).
- Members of Local Authorities.

(The Local Government and Housing Act (1989) places a limit on the amount of paid time off that can be given, effective from 1st April, 1990.

No more than 208 hours paid leave can be approved in any one financial year to an employee for Local Authority duties unless s/he is Chairman of the School/Trust.

This Authority has decided to permit employees who are members of Local Authorities to take up to 208 hours paid leave to undertake such duties.

- Members of Statutory Tribunals
- Members of regional or district health authorities (England and Wales).
- Members of Governing Bodies of an LA.
- Members of an LA Committee.

Interviews for other posts within Local Government

Leave of absence with pay may be granted by the Governing Body as necessary.

Leave of absence with pay may be granted to teachers by the Headteacher/Governing Body, after appropriate consultation, for one preparatory visit following appointments to a post of senior responsibility elsewhere in the CYPS.

Leave of absence with pay will be granted by the Headteacher/Governing Body to allow support staff time off for interviews with other Local Authorities.

Interviews with other businesses are not covered by the provisions.

Examination and Private Study Leave

Support Staff studying for an approved qualification will be granted half a day study leave with pay for each half day of an examination.

This leave is only to be taken after consultation with the Governing Body and only within a period of two weeks before the examination dates.

Teachers will be allowed unpaid leave for the purpose of preparing for an examination or for private study.

Full pay will be allowed for **teachers** who are absent with leave for the purpose of sitting an examination (If it is such as would improve the educational qualifications of the teacher).

Public Examinations Duty – TEACHERS ONLY

Application for leave of absence with pay to be approved as and when they are received by the Headteacher/Governing Body in respect of any teacher in the employment of the Authority who may be appointed to the posts as shown below for the periods stated.

Chief Examiners & Assistant Examiners attendance in school terms at Examiners, standardisation & Awards meetings as arranged by Examining Groups or Associations **up to fifteen days**

Committee Members - For attendance at regular Examining Bodies standing committees and sub-committees & for duties arising from membership of such committees at Regional Group or Association level – As approved by the Governing Body.

Overseas Interchange of Teachers

The Governing Body should be prepared to consider applications for leave of absence with pay for exchange services overseas and arrangements granted by the Department for Children, Schools and Families.

Teachers making application should have at least five years teaching experience.

These exchanges are arranged on the understanding that teachers return to their Authority's service at the end of the exchange period and subject to the appointment of a suitable replacement or exchange.

Any costs incurred as a result of such exchanges will have to be met from school budgets.

Bereavement Leave Support Staff

Bereavement leave is intended to enable employees to attend to the necessary arrangements following bereavement.

Paid leave of absence of **up to** five days (pro-rata for part-time employees, i.e. one contractual week) is granted for bereavement involving:

- husband, wife or partner
- son, daughter or husband/wife/partner's son or daughter
- father, mother or husband/wife/partner's father or mother
- brother or sister

1 day's bereavement leave will be granted for the funeral of a grandparent.

The School/Trust recognises that there are potentially many different close relationships which should be recognised under bereavement leave provisions. This policy will be equally applied to employees in opposite and same sex relationships.

The appropriate number of days leave to be granted and arrangements about when they are to be taken should be arranged through discussion with your Headteacher.

Circumstances may arise where, for example, the funeral may take place some time after the bereavement. In such cases it would be appropriate for an employee to take bereavement leave on non-consecutive days. However, Bereavement leave is intended to be taken at or around the time of bereavement/funeral.

The bereavement leave policy may be applied flexibly and in other cases of bereavement not covered here, special paid leave may be granted according to individual circumstances at the discretion of the Headteacher/Governing Body.

Examples of bereavement not covered may include other relatives or friends where the employee is in the position of having had significant caring responsibilities or have been cared for by the deceased person e.g. grandparents responsible for the upbringing of the employee.

Unpaid leave may also be granted where employees are requesting extended periods of absence to accommodate travel abroad relating to funeral arrangements.

The School/Trust also recognises the requirements of different faith communities at the time of bereavement and requests for time off should be considered sympathetically

Serious Illness and Death of a Near Relative – TEACHERS

Special leave may be granted in exceptional circumstances such as in the event of serious illness where the employee is required to look after a close relative arising from serious illness or injury. Serious illness is defined as an illness which is potentially life threatening. It does not include the comfort and support role associated with either visiting relatives in hospital or caring for ill children or other dependents. The employee will need to demonstrate that:

- they have ultimate responsibility for caring for the person
- they will have to administer medical care to the individual beyond the

routine administration of non-prescription medication

- there is an emergency and their attendance at hospital is required, for example in the event of an accident.

Serious illness support leave may not be granted for accompanying relatives to medical appointments, i.e. doctor, dentist or hospital or routine childhood illnesses.

The School should consider the individual circumstances which give rise to the request, and the employee may be required to provide evidence that the circumstances meet the defined criteria.

Illness of a near relative *- leave of absence with pay may be granted by the Headteacher up to a maximum of five days in the school year.

Normal everyday illnesses are not ordinarily covered.

Death of a near relative *- leave of absence shall be granted by the Headteacher with pay up to five days.

For funerals of other relatives or persons, leave of absence may be granted with pay for no more than one day.

**A near relative to be father, mother, husband, wife, child, brother, sister, father-in-law, or mother-in-law.*

Other categories to be considered at the discretion of the Governing Body with no absence longer than 5 days with pay.

Medical Screening - Medical (Cancer) Screening

Paid leave will be granted to attend a cancer screening appointment.

There is no provision for paid leave of absence for hospital appointments other than cancer medical screening.

Other medical appointments such as doctors, dentists are not covered by the provisions. Any such medical appointment must be arranged outside of working hours.

Disability leave

May be granted as a 'reasonable adjustment' to employees who have a disability as defined by the Equality Act (2010). The employee may take time off, with pay, as appropriate, (up to a maximum of 7 occasions per year – the maximum time for an occasion being 1 normal working day for the employee) for assessment, treatment and rehabilitation, this includes hospital check – up, medical appointments etc. Individual requests will be considered in consultation with the Headteacher.

Cultural and Sporting Activities

Support Staff - Employees of the School/Trust selected to represent their country in their chosen sport are allowed one day's leave of absence with pay to enable them to participate in international matches only.

Teachers – Leave of absence to enable teachers to attend business meetings of bodies promoting schools' educational activities regionally and nationally (eg Schools Music Association, the Schools' Athletic Association, the National Savings Association) may be granted with pay by the Governing Body

Leave of absence to attend meetings of a wholly or predominantly educational character or take part as representatives of county or country amateur sport may be granted with pay by the Governing Body.

Graduation and other similar Ceremonies

Leave with pay for no more than one day on any occasion may be granted by the Headteacher when this involves the teacher or a member of his//her immediate family*

**son, daughter, mother, father, spouse, partner*

Moving Home

One days leave on full salary shall be granted. This will be granted on the actual move date (completion date).

Visits for purpose of observation – TEACHERS ONLY

Leave with salary up to a maximum of two days annually may be granted by the Headteacher for visits for the purpose of observation at other schools.

Weddings

Members of immediate family* - one day full salary

Other members of a teachers immediate family – one day without pay

**son, daughter, mother, father, spouse*

This provision does not cover the employees own wedding.

Service in Non-Regular Forces

Subject to the notes below, paid leave shall be granted to individuals covered by the Reserve Forces Act, 1966.

This will include members of the Territorial Army who are required to undertake training additional to attendance at Summer camp and who are unable to arrange such training to be on days when they would normally not be working.

Under the Reserve Forces Act, 1966, volunteers may be required to undertake training for up to 16 days per annum which coincides with normal working days should be treated as paid time off. Normally the additional training time falls on a Saturday and Sunday so the impact should be limited.

Volunteer units should be in a position to offer alternative dates and the onus is, therefore on the employee to try to arrange for training to be undertaken in off duty time. If this is not possible the employee should furnish alternative dates to the Governing Body so that mutually acceptable dates for his/her absence may be found.

It will be assumed that attendance at Summer camp will normally take place during the period of the school closure. Where this option is not available, the two weeks required

for camp will be granted as leave with pay in consultation with the HeadTeacher and Governing Body.

Trade Union Duties and Time of for Public Duties

Please see the separate policy.

Anti-natal Care

Please see Maternity Guide

Inclement Weather

Please see Inclement Weather policy.

Jury Service

If called for Jury Service the employee's line manager should be informed immediately. The employee should present the letter / claim form to the School Business Manager to ensure that the relevant cover can be agreed. Whilst absent the employee should ensure the school is kept informed of the likely date of the employee's return to work and any changes for attending court.

Jury Service is a public duty and it is officially unpaid. However, if an employee suffers financial loss as a result, an allowance can be claimed from the Court, up to a maximum amount set by law.

An employee serving as juror should claim the allowance for loss of earnings to which they are entitled under the Juror's Allowance Regulations currently in force. The School/Trust will then deduct from the employee's full pay an amount equal to the allowance received. An employee cannot be paid twice by the Court and the School/Trust for the same days.

Where employees are not required on Jury Service for full days, or sent home early, they will be expected to return to the School to continue their normal working hours on that day.

Employees who serve as jurors should submit a certificate of loss of earnings (issued by the court), together with a remittance advice slip (issued by the court detailing loss of earnings paid to the employee), to their Payroll provider..

Sickness Scheme

The employing academy has discretion to extend the sickness allowance of an individual employee in exceptional cases. The determination of exceptional circumstances needs careful consideration.

Factors to consider would include:-

- Nature of the illness
- Prospect of recovery and return to work
- Prospect of ill-Health termination/retirement
- Length of absence including previous sickness record
- Cost of the extension

- Length of service of the employee

When an employee is approaching the end of their sickness allowance and they wish an extension to be considered they should write to the service Headteacher with reasons. The Headteacher would consider the matter, in consultation with the Head of Human Resources, and determine the granting of an extension for a specified time or not.

Disability Leave

Disability leave may be granted as a 'reasonable adjustment' to employees who have a disability as defined by the Disability Discrimination Act. The employee may take time off, with pay, as appropriate, (up to a maximum of 7 occasions per year – the maximum time for an occasion being 1 normal working day for the employee) for assessment, treatment and rehabilitation, this includes hospital check-up, medical appointments etc.

SPECIAL LEAVE WITHOUT PAY

Purposes for which special leave can be granted

Employees wishing to take extended leave of absence for family/social reasons (e.g. extended visits to relatives overseas) should use Annual Leave arrangements, but consideration may be given, in exceptional circumstances to the use of Special Leave. Special leave without pay can be considered for:

- Undertaking a qualification or research leading to a qualification which will be of benefit to the employee and the employer either in the job currently employed or in future career development.
- Undertaking a job/project which will be of benefit to the employee and the employer either in the job currently employed or in future career development.
(This may take the form of a secondment to an external organisation or other Local Authority. During such a period of secondment the individual would be employed by the organisation/Authority to who seconded).
- To deal with emergencies in respect of a dependant
- For Parental leave
- For Reservists called or volunteering for military service.
- To attend medical appointments for treatment, assessment and rehabilitation where this is necessary as a result of disability when the allocation of paid leave for this reason has been exhausted.

Length of special leave without pay

The policy provides for the approving of unpaid leave for a period of up to a maximum of 12 months. There is separate provision for unpaid leave for longer periods under the Career Break scheme, for further information, please refer to the policy.

The length approved will obviously be linked to the purpose of leave requested, but HeadTeachers/Governing Bodies should ensure that the period is appropriate. Consideration should also be given to the degree of detriment to the job or Service if approval for the special leave is given.

Employees making an application for unpaid leave of absence should utilise any paid leave entitlement in that year, for that purpose.

Employment conditions attached to the granting of leave

Employees granted special leave in excess of 4 weeks should be issued with a letter from the employer and a copy placed on the personal file, which indicates clearly:-

- that approval has been given
- the agreed commencement and terminate dates of special leave
- the post which the employee will return to (the existing post or other appropriate) including the grade and the Spinal Column Point
- the position in respect of the payment of allowances
- pension implications
- implications for continuous service
- the consequences of failure to return on the due date

Normally progression through the incremental points of the grade will be deferred for a period equivalent to the period of unpaid leave. This may not apply to secondments to partnership organisations.

The payment of any allowances e.g. First Aid; Standby etc. will not be paid for the duration of the special leave.

There will be no entitlement to any occupational sick pay for the duration of the special leave, or for any sickness absence commencing on the due date of return. Statutory sick pay may be payable subject to meeting normal requirements.

Paid annual leave entitlement will be 'pro rata' according to the proportion of paid employment completed during that year(s) and no payment will be made for Public and Extra Statutory Holidays falling within the period of unpaid leave.

The Contract of Employment will continue to subsist and the period of authorised absence will count for the purposes of calculating continuity of employment for any statutory rights or conditions of service entitlements, with the exception of the application of the 'Conditions of Assistance' for training purposes.

The period of unpaid absence will be classed as "non-pensionable" service and no employee or employer pension contributions will be made.

You can buy extra pension to cover the period by undertaking to pay an Additional Pension Contribution (APC) over a period of time or by paying a one-off lump sum. If you enter into an APC within 30 days of returning to work the cost of buying the "lost" pension is shared between you and the School/Trust with the School/Trust meeting 2/3rds of the cost.

For further information please contact South Yorkshire Pensions Authority.

Failure to return on the date specified without satisfactory explanation will be classed as unauthorised absence and as such will be dealt with in accordance with the School/Trust's disciplinary procedure.

Parental Leave and time off for Dependants

Employees with at least one year continuous service (including service with a previous employer) are entitled to 18 weeks unpaid leave, (pro rata for part-time employees).

This leave entitlement is subject to a maximum of four weeks per annum and ceases on the fifth birthday of the child, or in the case of a parent of a child with a disability, the 18 week entitlement may be taken at any time up to the child's eighteenth birthday.

Employees also have the right to take a reasonable period of unpaid time off work to deal with emergencies involving a dependant to cover unforeseen circumstances. If employees know in advance they are going to need time off arrangements, it is expected that annual leave will be taken.

(For further information please refer to the policy guide on Parental Leave and Time off for Dependants.

Time off to attend ante-natal appointments with expectant woman

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments.

“Partner” includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for one or two appointments. The time off is capped at six and a half hours for each appointment.

An employer is not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant mother. However, an employer is entitled to ask the employee for a declaration stating the date and time of the appointment that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother. The School/Trust will use the Special Leave Request Form for the purpose of such a declaration.

Alternatively, employees may of course choose to use their annual leave or flexi-leave (where applicable) to attend an ante-natal appointment to attend an ante-natal appointment.