

Special Leave

1. Policy statement

It is the policy of the council to support its employees to balance their work and commitments outside of work whenever possible. Special leave is time off work when the employee would normally be available for work and can be with or without pay.

2. Who does this procedure apply to?

This policy is recommended for adoption by the Governing Body. It applies to all school based staff.

3. What are the principles?

Special leave may be granted to assist employees with commitments outside of work which make demands on their time during the normal working day. Leave with or without pay may be granted for employees to enable them to deal with certain unexpected or sudden emergencies and to permit employees who hold certain public positions reasonable time off to perform the duties associated with them.

Leave should be granted in accordance with LEA policy and the employee's national conditions of service: conditions of service for school teachers (Burgundy Book), National Joint Council for Local Government Services national agreement on pay and conditions of service (Green Book). These provisions should not worsen arrangements currently offered in the school.

Head Teachers should deal sympathetically with a request, taking the individual circumstances into account.

Employees with an annual leave entitlement who are permitted to take leave when the school is open, may request annual leave as an alternative to taking unpaid leave.

Head Teachers may wish to discuss the approval of special leave with their Governing Body.

Leave for the following reasons are covered by separate documents which should be referred to for advice: Maternity, Adoption, Paternity, Parental, Trade Union duties and activities.

4. What is the law?

Employment decisions relating to the provision of special leave for urgent domestic reasons and for undertaking public duties are contained within the Employment Relations Act 1996.

5. What are the responsibilities of Head Teachers/ Governing Bodies?

Because of the wide range of situations which might occur, it is important that Head Teachers:

- Consider each request for leave reasonably and sympathetically; and
- Take individual circumstances into account.

Employees should be made aware that for periods of unpaid leave, pension contributions have to be paid for the first 30 days of absence. Thereafter the employee can choose whether to continue to pay contributions. The employee would need to contact the relevant Pensions Scheme to explore the consequence of ceasing to pay contributions during their absence.

Your school may have specific arrangements for approving and recording leave of absence. You need to be aware of these. If you need clarification or advice on any of the above please contact your HR Adviser.

6. When can Special Leave be given for urgent domestic reasons?

Leave can be granted where urgent circumstances arise, such as:

- acute illness/bereavement of a relative or someone with whom an employee has a close relationship;
- household emergencies, e.g. fire, burglary, flooding;
- serious personal problems, e.g. as a result of domestic violence; or
- providing or arranging emergency care for a dependent.

This leave may be paid or unpaid, or a combination of both, depending upon the circumstances.

There are no precise rules about the amount of leave Head Teachers can grant for each occasion. Each case should be considered on its merits.

Paid leave is usually given where there is a sudden acute event such as serious illness/ bereavement of a relative or a domestic emergency.

Events which are capable of being planned in advance would not warrant the use of Special Leave e.g. hospital appointment for a dependent.

Sometimes employees may not be able to request the time off with their Head Teacher directly before they take the absence, so their request will need to be dealt with on their return to work.

Occasionally an employee may need to take time off at short notice because their child is unwell but does not have a serious illness. They can be given a day's paid leave to enable them to make alternative childcare arrangements.

Longer term unpaid leave may be available in exceptional circumstances. This needs to be agreed by the Head Teacher in consultation with their HR Adviser.

In exceptional circumstances, should more than 22 days special leave for domestic reasons be requested in any one year, approval must be given by the Governing Body in consultation with the HR Adviser.

Further advice is available from HR Advisers.

7. When can special leave be given for planned domestic reasons?

Paid leave of 1 day is available for employees who move house.

8. Do we support leave of absence for public duties?

Yes. The county council encourages its employees to play an active part in the life of the community. However, before committing themselves to public duties an employee must consult their Head Teacher. When doing so they should give a clear indication of what level of commitment is likely to be required.

Subject to the needs of the service, the council allows employees a maximum amount of paid time each year if they are a member of the following organisations:

- A local authority up to 28 days
- A health authority, primary care trust or health board up to 28 days
- A managing or governing body of an LEA school or college to be pre-agreed not more than 3 days
- Board of visitors/visiting committees to prisons, remand centre or young offenders' institution to be pre-agreed

or the following:

- Is a Magistrate up to 26 sessions (i.e. half days)
- A member of a statutory tribunal to be pre-agreed

If an employee undertakes more than one of these public duties, they cannot take more than a total of 28 days paid leave in any year. If they want further leave, the Head Teacher must decide whether to grant an extension. This may be paid or unpaid.

Please note that additional areas of public duties are covered by a statutory requirement for reasonable unpaid time off:

- Member of a Police Authority;
- Member of the Service Authority of the National Crime Squad; or
- Member of the Environment Agency.

How much time off is reasonable needs to be judged on how much time off has already been given and the effect of the employee's absence upon the service.

Employees should note that:

- Requests for time off should be made at least one week in advance; and
- If safety or staffing levels are compromised by the leave, it may be necessary to reduce the agreed amount of time.

Should more than 28 days be requested this would have to be authorised by the Head Teacher/Governing Body.

9. Do we support time off for members of the Territorial Army and non-regular forces?

Volunteer members of the Territorial Army and non-regular forces who attend summer camp and who would normally be at work during this period will be granted the following:

- Employees whose full-time basic annual leave entitlement is 20 days will be given up to 10 days leave with pay
- Employees whose full-time basic annual leave entitlement exceeds 20 days will be given 5-10 days additional leave with pay.

Members of the Territorial Army can apply for paid leave to undertake training, which cannot be undertaken on their days off. Paid time off for training will be granted at a mutually convenient date.

Should an employee receive a payment from the Territorial Army or non-regular force during a period of paid special leave, this amount will be offset against normal pay.

10. What about political activities?

Unpaid leave can be given to an employee wishing to stand as a local authority or parliamentary candidate. This applies both to the UK and European Parliaments.

However, with the exception of teachers, leave for parliamentary or local authority candidature will not be granted to employees who:

- Are paid on or above spinal point 44, or equivalent; or
- Hold a position which is considered politically sensitive; or
- Hold a senior management post designated as excluded.

More information on excluded posts and politically restricted posts is available from HR Advisers.

11. What about Jury Service and where the employee has to attend court as a witness?

Every effort should be made to enable employees to attend Jury and Witness Service.

Full pay will be given to employees on Jury Service, but this is subject to the employees claiming the loss of earnings allowance, which is offset against full pay.

Employees called as witnesses in a case, which is not related to their work, will need to discuss the time off required with their Head Teacher. Head Teachers should deal sympathetically with a request. Full pay will normally be given to employees called as witnesses up to the level available for jury service, but this is subject to the employees claiming the loss of earnings allowance, where available, which is offset against full pay.

Rates of allowances vary from time to time so the employee will need to find out the current rate from the court.

On occasions an employee may be asked to attend court as a witness for the council. Such attendance will clearly be regarded as a normal day's work and be paid at full pay.

The Head Teacher will need to tell the employee to:

- Get a loss of earnings form from the court before they attend jury or witness service
- Send the form to the Schools HR Team to complete the information on possible loss of earnings
- Get a receipt for the loss of earnings allowance they have received from the court. This must be sent to Payroll who will deduct the equivalent of the allowance from the employee's pay. In other words the employee receives full pay, not full pay plus the allowance.

The Head Teacher needs to make sure that absence due to Jury or Witness Service is recorded correctly on the absence and sickness returns.

12. What about maternity support leave?

In most cases the person supporting an expectant mother at or around the time of birth will be the father of the child or the supporting partner. In these cases, employees will be eligible for paternity leave – refer to the Paternity policy for more information.

In some cases, the expectant mother may nominate someone else as her primary carer e.g. her mother or a friend. In these cases, the primary carer will not qualify for paternity leave but will be eligible for maternity support leave. This is paid leave, normally to a maximum of 5 days. When applying for maternity support leave, the employee will need to provide a copy of the expectant mother's MATB1 form. This will confirm the expected date of birth.

Please note that maternity support leave can only be granted when the nominated primary carer is not eligible for paternity leave. It cannot be granted in addition to paternity leave.

13. What about time off for fertility treatment?

Head Teachers are encouraged to be sympathetic and flexible with requests for time off for fertility treatment. Usually a maximum of 5 days (this may be taken as part days) paid leave will be granted in any one leave year.

If further time off is needed this will be unpaid leave. For further advice please contact the Schools HR Team.

14. What other activities may be eligible for leave?

There are a number of other activities for which leave of absence may be approved by the Head Teacher.

HR Advisers should be consulted and will be able to provide further details.

These include:

- national sporting events – where an employee has received national recognition - up to 2.5 days paid leave and up to a further 7 days unpaid leave;
- international sporting event – where an employee has achieved international recognition – up to 10 days paid leave and 30 days unpaid leave;
- involvement in an official capacity at national or international sporting events – paid or unpaid leave;
- being a Retained Fire Fighter – where possible the council will release employees from their full time employment, enabling them to attend emergency incidents – paid leave, but this is subject to the employee claiming payment for their duties, which is offset against full pay;
- VSO duties or similar – up to 2 years unpaid absence;
- Examining Groups – paid or unpaid leave in accordance with national conditions of service;
- President of a national local government society – paid leave.

15. What about other unpaid leave?

Any other requests for leave should be put forward to the Head Teacher/Governing Body indicating why unpaid leave is sought.

16. Are employees allowed time off for interviews?

Yes, paid leave, provided their interview is with another LEA-maintained school or with another authority or associated organisation. If the interview is with a private organisation, the Head Teacher/Governing Body can authorise unpaid leave, up to a maximum of 3 days in the year.

17. Are employees allowed to take time off to attend medical appointments?

Yes, paid leave, as long as:

- They have given reasonable notice; and
- This normally does not involve a large number of appointments over a period of time (with the exception of ante-natal appointments or classes – see the Maternity policy for more information).

However, employees are expected to attempt to arrange non-urgent appointments for doctors, dentists, etc. in their own time, or at the beginning or end of the working day.

18. What about time off for cosmetic surgery?

Paid time off for cosmetic surgery, which is planned for medical reasons, will be granted for up to 3 days for appointments prior to surgery. Time off whilst in hospital or recuperation which is covered by a doctor's certificate will be treated as sick leave.

Requests for time off for non-medical related cosmetic surgery would be unpaid.

19. What about exam leave?

If an employee is studying for a qualification approved and/or paid for by the Council, they are allowed paid time off for each examination. They are also allowed a half day's study leave for each exam with Head Teacher/Governing Body approval.

20. What happens if a request for leave is turned down?

All requests and reasons for rejection should be discussed fully between Head Teachers and employees. If however, the employee feels that they have not been treated fairly, they should seek advice from the Schools HR Team and/or their professional association. They have the right to raise this through the grievance procedure.