



Special Leave Policy and Procedure

Date Adopted: 28th April 2021

Author/owner: Board of Trustees

Review: Biennial

NB. 'Trustees' means the Directors referred to in the Trust's Articles of Association

History of most recent policy changes

Version	Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
V1.0	April 2021		New policy introduced for the Tarka Learning Partnership Central Trust Team and Schools within the Trust	Requirement for central policy to advise all TLP staff about entitlements (statutory and contractual) to special leave.

Contents

History of most recent policy changes.....	2
1. Policy statement	5
2. Scope	5
3. Roles and responsibilities	6
3.1 Employee’s responsibilities	6
3.2 Manager’s responsibilities.....	6
4. Time off for dependents.....	6
4.1 General statement - dependants	6
4.2 Entitlement in the case of a member of staff’s child.....	7
4.3 Illness of a relative	7
5. Bereavement	7
6. Time off for medical appointments and medical treatment.....	7
6.1 Medical screening.....	7
6.2 Acting as a donor	7
6.3 Infertility treatment (IVF)	8
6.4 Medical/dental appointments.....	8
7. Emergency household/domestic leave	8
8. Moving house	8
9. Time off for public duties and legal matters	9
9.1 Public duties.....	9
9.2 Political elections.....	9
9.3 Trade Union duties	9
9.4 Jury service/attendance at court/employment tribunal/legal matters	9

10.	Domestic abuse	10
11.	Accompanying a colleague to a disciplinary or grievance hearing.....	10
12.	Driving test.....	10
13.	Attending a job interview	10
14.	Volunteer members of the British armed forces.....	10
15.	Leave for religious observance/festivals	11
16.	External professional CPD.....	11
17.	Antenatal care	11
18.	Maternity support leave	11
19.	Family matters	12
20.	Representation in sporting events	12
21.	Other special leave	12
22.	Procedure for requesting special leave/leave of absence.....	13
22.1	Requests for emergency leave.....	13
22.2	Requests of one day or less and short notice requests (less than one week notice).....	13
22.3	For requests of more than one day	14
23.	Sabbatical/career break.....	14
23.1	Sabbatical/career break policy statement	14
23.2	Sabbatical/career break application procedure	14
23.3	Contact during a sabbatical/career break.....	15

1. Policy statement

The Tarka Learning Partnership is committed to managing staff attendance so that any disruption to the pupils' education or the effective running of the Trust and schools is minimised, although it recognises that during the course of employment, staff will occasionally be absent from work through ill health, maternity and paternity and other authorised circumstances.

Equally the Trust is committed to ensuring staff have a clear framework to enable them to request reasonable time off for a variety of personal, domestic, family, civic and public duties which may arise, and have an impact on their working lives.

Requests from any member of staff for absence to be taken during term time must be regarded as the exception. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will not be granted.

This policy provides information on leave of absence that staff are entitled to and will apply fairly and consistently to all staff in the Trust. Part-time staff will have the entitlement for leave from work reduced in proportion to the percentage of time they work.

The Tarka Learning Partnership is committed to having an open dialogue between an employee and their line manager regarding requesting leave of absence.

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.

Throughout the application of this policy, it will be at the discretion of the Head Teacher to determine whether the relationship is deemed to be a "close relative".

The Tarka Learning Partnership 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, staff can discuss with their manager in the first instance, who will consult with Head Teacher for further guidance. Where this is the case, the final decision on granting leave of absence will be at the discretion of the Head Teacher.

Staff who feel they have been unreasonably refused time off should discuss the matter with the Head Teacher in the first instance.

2. Scope

This policy applies to all Tarka Learning Partnership employees.

The policy does not apply to personnel who work in a Tarka Learning Partnership school but are employed on another organisation's terms and conditions of employment.

This policy does not apply to agency, casual workers or volunteers.

This policy is based on good practice to ensure a consistent and effective approach. The application of this policy will be fair, equitable, objective and will not discriminate either directly or indirectly on

the grounds of an employee's gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

If absence is alleged to be fraudulent or is unauthorised, the absence will be treated as a conduct issues and be managed under the Tarka Learning Partnership Disciplinary Policy and Procedure.

3. Roles and responsibilities

3.1 Employee's responsibilities

- a) Discuss any application for special leave with their manager at the earliest opportunity
- b) Submit special leave requests to the relevant line manager using the appropriate documentation and supporting information where needed
- c) If possible, give at least four weeks' notice before the start of any leave requested, depending on the circumstances
- d) Note that the granting of special leave is not an automatic entitlement
- e) Talk to their line manager due to the nature of the request, if not covered within this policy.

3.2 Manager's responsibilities

- a) Consider all requests for special leave, arranging a meeting with the individual to discuss the request if required
- b) Grant leave in accordance with the policy
- c) Ensure that requests are dealt with sympathetically, compassionately, confidentially where appropriate, and in accordance with this policy
- d) Not refuse requests unreasonably
- e) Inform the employee of the outcome of their request in a timely manner. If a request cannot be agreed, clear reasons must be given and any alternative arrangements considered
- f) Inform relevant personnel within the school of the outcome of the leave request (Head Teacher and School Business Manager/Administrator)

The Tarka Learning Partnership HR Leader will support all managers on the implementation and application of this policy and procedure.

4. Time off for dependents

4.1 General statement - dependants

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. This policy details the Tarka Learning Partnership's approach to paid leave of absence for such occasions.

A dependant for these purposes is defined as a member of staff'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 member of staff, and is dependent on the employee for care and assistance when taken ill or injured. The policy does not provide for someone who lives in the house of an employee such as a tenant, lodger or boarder.

A dependant also includes a person who relies on a member of staff to provide them with assistance if

they are taken ill or injured to make arrangements for their care. An example could be elderly relatives who do not live in the same household as the member of staff but are reliant on the member of staff to assist them in the event of illness or injury.

4.2 Entitlement in the case of a member of staff's child

Paid leave of up to **two** days (one occasion per rolling year) will be granted for a parent to nurse their child in cases of non-critical illness. Where additional leave is required, e.g. 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.

Where leave is requested for caring for a child suffering from a serious illness up to **five** days paid leave may be authorised.

4.3 Illness of a relative

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

In cases where a partner or close relative of an employee is suffering from a serious illness, paid compassionate leave of up to **five** days will be authorised.

5. Bereavement

Where a staff member suffers the loss of a child under the age of 18 or a stillbirth from 24 weeks of pregnancy, the Tarka Learning Partnership will grant four weeks of paid leave to the employee, irrespective of how long they have worked for the employer.

In the case of a staff member suffering the loss of a spouse, civil partner or partner the Trust will grant four weeks of paid leave to the employee, irrespective of how long they have worked for the employer.

In cases of death of a close relative such as a parent or sibling, the Tarka Learning Partnership will grant up to **five** days of paid leave to the employee.

Requests for time off to attend a funeral of anyone other than a close relative will be considered but if authorised would be unpaid.

6. Time off for medical appointments and medical treatment

6.1 Medical screening

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

6.2 Acting as a donor

Staff 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.

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

6.3 Infertility treatment (IVF)

Staff will be granted up to **five 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 Head Teacher's discretion and, if granted, will be unpaid.

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

When a member of staff 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.

6.4 Medical/dental appointments

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

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

Staff should note that, if a hospital appointment is made during normal working hours, staff will be asked to provide a copy of the appointment letter/card to confirm the details and they should seek approval to attend in advance of the appointment.

7. Emergency household/domestic leave

Special leave may be requested where circumstances are unforeseen and are unavoidable which require the member of staff's personal and urgent attention, e.g. 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 **10 hours'** paid leave will be authorised in the leave year.

8. Moving house

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

A further day of unpaid leave may be granted where the employee is unable to complete the move in one day.

Notice of the moving house day(s) must be given as far in advance as possible.

9. Time off for public duties and legal matters

9.1 Public duties

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

- As a magistrate, school or college governor
- As a member of a local authority
- For a statutory tribunal (e.g. employment tribunal, special educational needs (SEN) tribunal)
- As a local councillor

9.2 Political elections

Staff standing as a candidate for parliament may be granted **up to five working days** in any school year for these duties.

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

9.3 Trade Union duties

Trade union representatives will be entitled to paid time off for trade union employment relations duties on a regular or occasional basis and also for consultative meetings. Trade Union Health and Safety representatives will also be entitled to time off on a regular or occasional basis and for consultation meetings for Health and Safety activities.

9.4 Jury service/attendance at court/employment tribunal/legal matters

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

Staff 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. Staff should check with their manager if possible before responding to that question.

Staff 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 payroll through the School Business Manager or Finance Administrator.

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

For court hearings, other than those covered above, including divorce proceedings, custody of children, maintenance payment and other court appearances where the employee is the

defendant or involved in non-criminal proceedings, a day of unpaid leave may be authorised by the manager or Head Teacher.

Staff may be given paid time off to attend solicitor appointments where these cannot be scheduled for non-working time.

10. Domestic abuse

Staff who confidentially disclose that they are victims of domestic abuse will be granted up to 37 paid hours of special leave in order to:

- Attend counselling
- Attend court or police appointments
- Move home
- Attend meetings at schools where any children are involved
- Make emergency arrangements for themselves or children who they support.

Special Leave for this reason can be taken in hours and can be taken over a period of time.

The manager or Head Teacher of the affected employee will record and monitor the special leave taken for this purpose.

11. Accompanying a colleague to a disciplinary or grievance hearing

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

12. Driving test

Paid time off for half a day on one occasion will be authorised for an employee to take a driving test.

13. Attending a job interview

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

For interviews outside of the UK, time off will be at the discretion of the Head Teacher.

Where an employee has been placed “at risk” of redundancy or is serving their notice due to redundancy, they will be given reasonable time off to seek alternative employment with the agreement of their manager or Head Teacher.

14. Volunteer members of the British armed forces

Staff who are volunteer members of the armed forces will be granted up to two weeks of leave of absence, the second of which will be unpaid. During the first week, it would be expected that the employee would not be in receipt of remuneration from the forces.

15. Leave for religious observance/festivals

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

Any additional days of paid leave may be authorised for any special cultural or religious events. These will be authorised by the Head Teacher.

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

Attending Hajj

The Tarka Learning Partnership 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, staff should give at least twelve months' notice.

Staff will be authorised **five days'** paid leave and the remaining leave will be unpaid.

16. External professional CPD

If an employee is given the opportunity to lecturer in a professional capacity, paid leave will be granted with the caveat that fees will be paid to the school and that the absence is planned so that cover arrangements can be made.

An employee required to sit an examination as part of a qualification that they are studying which is work related, employees will be entitled to paid leave of absence. At the discretion of the manager or Head Teacher, additional leave may be granted for final revision for approved examinations.

An employee may be given paid time off to attend a conference if it is work related and will be beneficial to the school or Tarka Learning Partnership as well as the employee's professional development. Authorisation for this will be granted by the manager or Head Teacher. If a conference or course is not considered to be beneficial to the school or Trust, unpaid leave may be granted instead.

17. Antenatal care

Expectant mothers have the right to paid time off for antenatal appointments and care. Employees should refer to the Tarka Learning Partnership Maternity, Adoption, Paternity and Parental Leave Policy.

Employees have the right to unpaid leave to accompany their partner, with whom they are having a child, to attend up to two ante-natal appointments.

18. Maternity support leave

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth. This leave will be unpaid and should be planned in advance as much as

possible.

19. Family matters

The Tarka Learning Partnership recognises that many staff have families and that occasionally appointments and family commitments require staff to be absent from work.

Employees requiring time off from work for any of the following reasons should submit a request, giving as much notice as possible. Leave may be granted by the manager or Head Teacher if appropriate cover arrangements can be made.

- Wedding of a close family member (e.g. parents, sibling or child) – one day of paid leave to attend the wedding and additional days of unpaid leave at the discretion of the manager or Head Teacher if the wedding is not in the local area. Attendance at other weddings would be unpaid leave.
- Graduation ceremony of a child or partner – one day of paid leave
- Annual Achievement assemblies or Leavers' assemblies – paid leave for the time required (up to three hours)
- To assist an elderly relative move residence – one day of paid leave
- Attendance with children to view universities and secondary schools (year 6 parents) – up to one day of unpaid leave
- Taking own children to a music exam – employees may be granted unpaid leave for this reason if there is nobody else who could take the child.
- Special family flights where the spouse, civil partner or partner is in the armed forces – one day of unpaid leave at the discretion of the Head Teacher.
- A spouse, civil partner or partner's return from tour of duty or attendance at a medal ceremony for Service Personnel – one day of unpaid leave at the discretion of the Head Teacher.

20. Representation in sporting events

Paid time off may be granted for a staff member who is representing a sport as a competitor at national or international level. Below this level of competition, an employee may be granted unpaid leave. In both cases, the decision will be the discretion of the Head Teacher.

21. Other special leave

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

- Car breakdown
- Travel problems due to adverse weather such as flood or snow
- The school of an employee's child is closed due to an emergency such as heavy snowfall
- Travel problems due to industrial action

- Illness of a child minder

22. Procedure for requesting special leave/leave of absence

Requests for special leave or leave of absence will be considered taking into account

- the principles of this policy,
- the best interests of the children and the school,
- treating staff in a fair, reasonable and consistent way,
- national and local terms and conditions of employment.

22.1 Requests for emergency leave

Where an unforeseen incident occurs, or matter arises, that requires a staff member to be absent at short notice, due to a reason other than sickness absence, the employee should telephone their manager or the Head Teacher to advise them of the reason for them not being able to attend work. The employee should also inform their manager how long they anticipate their absence to last.

The manager should make cover arrangements as necessary and record the absence.

The manager should also advise the employee whether the leave will be paid or unpaid and should confirm this with the administrator responsible for recording the absence and administering payroll.

22.2 Requests of one day or less and short notice requests (less than one week notice)

The employee should make a verbal, emailed or written request to their manager or Head Teacher as soon as they are aware of the need for time off. The request should give as much detail as possible about the request and supply any supporting information such as a copy of a medical appointment letter.

The manager should seek to give a verbal response to the request within one working day to allow the employee time to make alternative arrangements if necessary or to arrange cover.

The manager should also advise the employee whether the leave will be paid or unpaid and should confirm this with the administrator responsible for recording the absence and administering payroll.

If the request is made by email or in writing, the manager or Head Teacher should respond using the same medium of correspondence.

22.3 For requests of more than one day

To request a planned period of special leave or leave of absence from work, whether paid or unpaid, an employee should make the request in writing or via email to their manager and/or the Head Teacher giving full details of the request and circumstances.

The manager or Head Teacher will endeavour to respond to the request within three working days advising whether the request has been approved or declined. If the manager or Head Teacher requires further information they should seek this from the employee as soon as possible.

The manager or Head Teacher will respond to the request in writing and advise the employee if their request has been approved or declined and if it has been declined the reason for this.

23. Sabbatical/career break

23.1 Sabbatical/career break policy statement

The Trust recognises that from time to time staff may benefit from a longer period of absence from work. Staff with **twelve months'** service will be eligible to apply for a sabbatical or career break which can be used for:

- childcare
- caring for an elderly or relative who is unwell
- extended study leave
- career development
- travel
- any other reasonable purposes agreed with the Head Teacher.

23.2 Sabbatical/career break application procedure

Staff should put their request in writing to the Head Teacher, setting out clear reasons for the break, specify the length of the absence, why it would be beneficial to them and what benefit there is to the school and Tarka Learning Partnership.

Where a career break is approved for one year or less, the member of staff will return to their previous job as far as is reasonable. Where a career break is approved for more than a year, the member of staff will return to either the same job or a similar job on the same terms and conditions, either at the same school or a different school within the Tarka Learning Partnership.

The date of return from the career break should be agreed as part of the application process.

Staff will receive written confirmation of:

- the dates agreed
- career break being unpaid
- pension contributions will cease during the career break period

Where a career break is declined, the manager should meet with the employee as well as write to them, giving their reasons as to why the request has been turned down.

23.3 Contact during a sabbatical/career break

The member of staff and line manager should meet a month before the end of the career break (three months if the break is more than a year) to discuss and confirm arrangements to return to work.

If the member of staff wants to return to work earlier than agreed, they should give eight weeks' notice and arrange to meet their line manager. However staff should be aware an earlier return may not be permitted depending on the cover arrangements in place and the disruption this might have on pupils and school effectiveness.

Where a member of staff decides not to return at the end of their career break, they should inform the Head Teacher as soon as possible and tender their resignation.