

Special Leave Policy for Schools

January 2024



Introduction

What is special leave?

- A personal event or crisis where the employee requires emergency time off at short notice. Reasons for this can include bereavement, seriously ill relatives and/or relatives with specific needs;
- Public duties;
- Short term leave for other reasons

Some provisions for paid or unpaid time off are detailed in legislation and/or covered by National Conditions of Service (these are listed in Section A), although the amount of leave may, in some cases be determined locally (Section B). The application of special leave not only ensures that the School complies with relevant legislation but can positively influence employee motivation and commitment, help to reduce sickness absence and promote a positive image of the School as a caring and responsive employer.

In order to achieve a consistent approach when responding to requests for special leave, the following policy has been devised. Some time-off provisions are covered specifically in separate policies/procedures for example time off for trade union representatives and where this is the case a reference note has been made in this document.

The Governing Body is supportive of employees requiring special leave, but this must be balanced against the needs of the service when considering requests.

SECTION A

This section deals with provisions, which are covered by legislation or National Conditions of Service. The amount of leave may be determined by the employer in some cases but will have to be “reasonable”.

Maternity & Adoption leave	See the “Family Leave Policy”
Parental & Shared Parental leave	See the “Family Leave Policy”.
Carer’s leave	See the “Family Leave Policy”.
Medical screening	Necessary paid time off will be allowed for the purpose of cancer screening.
Jury Service	Time off is allowed for employees undertaking jury service, but the employee must first inform their Head teacher. The employee must then claim for loss of earnings directly from the court. The employee must provide the school with confirmation of the amount they have been reimbursed for loss of earnings by the court and this amount will be deducted from the next available salary. In the event no confirmation is received the employee will have the number of weeks deducted from the salary. Employees who are summoned to attend Court for reasons directly relating to their job are allowed paid time off. Employees summoned for reasons unrelated to their job must

	utilise annual/flexi leave, TOIL or unpaid leave.
Trade union duties (including training activities)	Leave entitlements are covered specifically within the local facilities agreement for recognized Trade Union representatives.

General notes

In general, where Head teachers are considering requests for paid time off in accordance with local special leave agreements, they are advised to take account of the needs of the service, the amount of annual leave the employee has available and the particular circumstances of the request.

SECTION B

This Section deals with provisions not covered by legislation or national conditions, but which have been determined locally.

Magistrates duties and other public bodies	Paid leave is allowed for Magisterial and other public duties up to a maximum of 208 hours per year the timing of which is subject to the agreement of the Governing Body/Trust. Paid leave up to a maximum of 5 days (based on a standard working day) per year for School Governor duties will be allowed. This 5-day allowance is included within the 208 hours referred to above.
Service in non-regular forces	Wherever possible, staff should negotiate to attend annual camp outside term time. Where this is not possible, they will be entitled to one week paid to attend camp. A second week paid or unpaid will be at the discretion of the Governing Body/Trust
Election duties	Leave is allowed for employees to carry out' duties related to Council and Parliamentary elections held within the Borough of Oldham. However, this will be subject to Governing Body/Trust approval taking in to account the needs of the school).
Carer /Compassionate Leave	Where a close relative falls ill, either very suddenly or progressively to the extent that they rely entirely on the employee for daily care and living needs e.g. very sick relative, very sick child, terminally ill relative, up to 5 days paid special leave per year can be agreed by the Governing Body to allow arrangements to be made for the future care of the dependent relative, as opposed to the actual caring for the relative. The illness of the relative must be covered by the production of a Doctor's sickness certificate on request. When considering such requests, Governing Body/Trust should take account of the availability of other carers within the family unit and the amount of uncommitted holiday entitlement held by the employee making the request. The time off can be supplemented by unpaid leave where appropriate.

	As an alternative, the Governing Body/Trust may consider requests for reduced working hours. Managers should refer to the specific scheme relating to Voluntary Reduced Hours. Statutory Carer's leave was introduced on 6 April 2024 as a new right for employees to take one week of unpaid leave per year to provide or arrange care for a dependant with long term care need (See Family Leave Policy for further information).
Bereavement	Following the bereavement of a dependent, agreed paid time is as follows: A Head teacher can agree up to 5 days paid special leave following the death of a close relative. The following guidance is offered in relation to the amount of leave agreed but it is emphasised that each case must be considered on its merits, taking account of factors such as the existence of other relatives to assist with funeral arrangements, closeness of family and relationship, and circumstances of the bereavement etc. In the case of a close relative: • Up to 1 day might be agreed to attend the funeral of an aunt, uncle, cousin, brother/sister-in-law, spouse's/partner's close relative. • Up to 2 days paid leave might be agreed in the event of the death of a brother, sister, grandchild, grandparent (this might include the funeral). • Up to 5 days paid leave might be granted in the event of the death of an immediate relative e.g. mother, father, husband, wife, partner, son, daughter • Where an employee is also the Executor of the will of a close relative and is required to make all the funeral arrangements or immediate probate arrangements, the paid leave entitlement (above) may be increased to a maximum of 5 days leave in total. This may be taken in individual days and consideration can also be given to unpaid or annual leave at short notice. • In addition, if the funeral is overseas, then the Governing Body/Trust and employee need to agree a length of absence which is reasonable in these circumstances, this would be unpaid.
Leave for other reasons	In exceptional circumstances, school management can authorise up to 30 working days unpaid leave per year for employees for reasons other than those referred to above (this could include extended travel abroad). In these circumstances, unpaid leave in excess of 30 working days and not more than 3 months must be agreed in accordance with the Scheme

	of Delegation. Please note that the Contract of Employment continues during unpaid leave for a period of up to 3 months. Unpaid leave requests for longer than 3 months will be treated as requests for a career break and the manager should refer to this separate scheme.
Attending Interviews	Requests should be considered from employees who wish to attend interviews during term time. One day per school year is suggested, however, further time off will be available at the discretion of the school. Separate arrangements are in place for those under notice of redundancy to the right to reasonable time off to seek alternative employment.
Religious Festivals	Governing Bodies/Trusts should be flexible in relation to requests for leave. Employees are expected to use annual leave when requiring time off for religious festivals. Where the annual leave entitlement has been exhausted or they are employed on a term time basis the employee can request unpaid leave. In the interests of fulfilling the academic requirements of the school and limiting unauthorised leave, no more than 2 days are permitted for any individual occasion and no more than 3 days per academic year. There is no time off in lieu for observations that fall on a weekend or a non - working day.
IVF (Fertility) Treatment	Employees undergoing fertility investigations will be afforded time off in accordance with the procedure for time off for hospital appointments as detailed in the Improving Attendance Procedure.
Exam/Study Leave	This facility should only apply where the member of staff is receiving financial and/or time support from the school for a programme of study, which falls within the School's Staff Development Policy, or where examinations taken will enhance the employee's professional development. It applies to examinations that have to be sat during working days and to study leave for support staff (maximum ½ day for each examination taken or the equivalent time for assimilation of a portfolio). It does <u>not</u> apply to driving tests (times for which can be selected) or for the written papers (which can be taken during evenings), unless the ability to drive is an integral requirement of that person's work. In situations where staff are undertaking a programme of study that does not fall within the School's Development Policy, but that requires sitting an examination in work time, Governors may wish to exercise their discretion about paid time off, provided that the qualification gained will enhance their professional development as a member of the school staff.

Mountain Rescue	Paid leave is allowed for Mountain Rescue activities up to a maximum of 3 days per year, which is subject to the agreement of the Governing Body/Trust. Consideration of requests will take account of operational needs within the school.
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Record of document review and amendments		
Date	Amended by	Comments
September 2017	JB	Split from Flexible Working Policy
January 2021	JB	Reviewed no changes
April 2024	VF	Reference to Statutory Carer's Leave Added