CARWARDEN HOUSE COMMUNITY SCHOOL

Special Leave Policy

Reviewed by Audit, Risk and Resources Committee

Adopted: 19th March 2024

Due for review: Spring Term 2027

Statement of Intent

The Board of Trustees recognise the importance of consistency, openness, and equality in responding to requests from staff for special leave of absence for family and personal reasons or in order to fulfil professional duties other than those immediately related to employment.

This policy recognises:

- Employees' statutory entitlement to take time off in certain circumstances;
- national and local agreements recognised by the academy.
- best practice, which seeks to maintain good working relationships between staff and management;
- the operational needs of the school.

It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence to be reasonably and fairly handled whilst recognising that the operational needs of the academy are a priority and there may be times when a request for leave will be refused.

There may be occasions when circumstances arise which are not specifically identified in this policy. The decision regarding granting leave of absence in such cases falls to the discretion of the Headteacher or Chair of Trustees, as appropriate.

This policy applies to employees of the Academy only, unless as otherwise stated below. It does not form part of any employee's terms and conditions of employment and is not intended to have any contractual effect. The Academy reserves the right to amend this policy at any time.

2. Time Off for Dependents

The Employment Rights Act 1996 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependents.

What constitutes a reasonable amount of time off is not specified by the legislation and will depend upon individual circumstances, such as:

- the nature of the incident;
- the closeness and level of dependency in the relationship and
- the availability of anyone else to help with the situation.

Whilst there is no legal restriction on the number of occasions upon which an employee can exercise this right, the amount of time off taken is nevertheless subject to a consideration of what is reasonable in each circumstance. In most cases, a few hours or a day will suffice to deal with the immediate emergency.

For the purposes of this right, a dependent is an employee's spouse, civil partner, child or parent or another person who lives in the same house as the employee (other than as a tenant, boarder, lodger or employee). In addition, it includes anyone who reasonably relies on the employee for assistance or to make arrangements for care when that person falls ill or is injured or assaulted, and anyone who relies on the employee to arrange the provision of care.

Members of staff seeking to exercise their right to time off are requested to notify their line manager of their absence and its likely duration as soon as possible. Wherever possible, notification should be given before the absence is taken. A Leave of Absence form needs to be completed if the time off is known in advance, authorised by the line manager, and then returned to the deputy head.

Circumstances when an employee may take time off are:

- To provide assistance when a dependent falls ill, gives birth or is injured or assaulted;
- To make longer term care arrangements for a dependent who is ill or injured (see also Section 5, 'Care of Sick Children');
- To take action required in consequence of the death of a dependent;
- To deal with an unexpected disruption, termination or breakdown of care arrangements for a

dependent;

- To deal with an unexpected incident involving the employee's child during school hours or those of another educational establishment (see also Section 5, 'Care of Sick Children').

The school may ask for evidence of your reasons for taking the time off.

Failure to notify the school of the need to take time off or suspected abuse of this policy may result in disciplinary action.

3. Compassionate Leave

There is no statutory right to time off work, whether paid or unpaid, on compassionate grounds (except in those circumstances covered by 'Time Off for Dependents', Section 2). The Headteacher, or Chair of Trustees in the case of the Headteacher's own circumstances, may, at their discretion, grant special leave of absence (with or without pay) depending on the circumstances of the case.

In considering requests, the Headteacher will take account of the reason for the request, the likely duration of absence, the employee's length of service, the impact of refusing a request and what cover arrangements can be made for the absence. The following will be used as a guideline, but is not intended to represent a minimum or maximum contractual entitlement:

Sudden, serious illness of near relative, spouse or child	Up to 5 days' paid leave
Death of a near relative, spouse, partner or child	Up to 3 days' paid leave
Funeral of a near relative, spouse, partner or child	1 day of paid leave
Funeral of other relatives, friends or colleagues	**1 day of unpaid leave**

4. Parental Bereavement Leave

Parental Bereavement Leave applies to employees of the Academy only and applies irrespective of how long you have worked at the academy.

If eligible, you will be entitled to take a minimum of two weeks' Parental Bereavement Leave if you lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

You will be able to take the leave in either a single block of two weeks, or in two separate blocks of one week each. The leave can start on or after the date of death or stillbirth but must be finished within 56 weeks of the date of the death or stillbirth. This means you can match your leave to the times you need it most (for example, in the early days or over the first anniversary).

In addition to this leave entitlement, qualifying parents with at least 26 weeks' continuous service with the Academy and with weekly average earnings over the lower earnings limit, will also be entitled to Statutory Parental Bereavement Pay (SPBP). This SPBP will be paid at the statutory rate set by the Government, or 90% of your average weekly earnings where this is lower.

Where we offer enhanced bereavement/compassionate leave under another policy which is more generous than that offered within the Parental Bereavement Leave regime, you may choose which leave to take to benefit you more. However, you cannot exercise both rights separately in respect of the same child.

5. Care of Sick Children

The Board of Trustees recognises that it can be difficult for working parents and guardians to respond to the need to care for their own children when they become unwell during working hours. Members of staff have a statutory right to unpaid time off to plan for the care of a dependent in the case of an immediate crisis. It is important, however, to understand that this entitlement is only to take time off to make longer-term arrangements for the care of a child, not to provide that care personally. It should not, therefore, normally be necessary to take more than a part or whole day off work on each

occasion. There is no contractual or statutory entitlement to take time off to provide direct care for a sick child and it is therefore important that working parents give advance consideration to what arrangements they can put in place to care for sick children at short notice. In exceptional circumstances, where other care arrangements cannot be made, the Headteacher may agree that a member of staff can take unpaid leave to care for a sick child.

6. Leave to Attend Significant Events (Family Days)

The Board of Trustees recognises that, from time to time, staff may have the opportunity to attend a significant social event during term time. Examples might include:

- Graduation ceremony for a son or daughter
- Wedding of a close family member

Teachers and term time only staff are not able to take annual leave during term time. In such cases, the following policy will apply:

- *One Family Day per academic year. (This can be either a whole day or separate morning & afternoon)*
- *This is an unpaid leave day for teachers but a paid day for support staff.*
- *A written request must be submitted to the deputy head one month prior to the days' leave.*

The operational needs of the academy will be considered before granting leave and there may be times when the deputy head will need to refuse a request for leave.

7. Religious Festivals

Members of staff who wish to attend significant religious festivals which fall during school term time may request to take unpaid leave to attend the festival. Requests for such unpaid leave must be made to the Headteacher as early as possible in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Headteacher will need to refuse a request.

8. Job Interviews

All members of staff may take a reasonable amount of paid leave to attend selection interviews for jobs. Requests to take leave to attend an interview must be made to the Headteacher in advance of the event. In considering whether the request can be granted, the Headteacher will take into account:

- The operational needs of the school;
- The amount of time off requested;
- The number of paid days (or part days) of leave already granted for interviews in the previous 12 months.

9. Other Leave

9.1 Examination Duties

Teaching staff undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained within Appendix 2 of the Conditions of Service for School Teachers in England and Wales ('Burgundy Book').

9.2 Jury Service/Public Duties

Employees may request leave to undertake jury service and should inform the academy as soon as possible after receiving the summons. The academy will make up the difference between the loss of earnings allowance which may be claimed from the court and the employee's normal pay. The employee is responsible for claiming the allowance and an equivalent amount will be deducted from the employee's salary.

If an employee requires time off to perform a public duty, for example, as a member of a local authority or governing body of an educational establishment, the reserve armed forces or as a retained fire fighter, any period of paid or unpaid time off granted will be at the Academy's absolute discretion and subject to provision of appropriate evidence.

9.3 Moving House

Members of staff are encouraged, wherever possible, to move house during one of the school closure periods which occur throughout the year. Where this proves impossible, the Headteacher has the discretion to grant members of staff one day of paid leave in order to move house. In considering such requests, the Headteacher may ask for supporting evidence to demonstrate why the move must take place during term time.

9.4 Medical and Dental Appointments

Employees are encouraged to make medical and dental appointments outside normal working hours and, with routine appointments, this should usually be possible. Where it is not possible to make an appointment out of hours, or where the appointment is urgent, paid time off to attend appointments will be granted at the discretion of the line manager or Deputy, from whom permission must be sought in advance. Evidence of appointments may be requested.

The same provisions will apply where an employee is seeking time off work to accompany a dependent to a medical or dental appointment. During the academic year, an employee will be allowed three periods of paid absence to attend an appointment with a dependent. Any subsequent appointments will be unpaid.

Where an ongoing series of medical appointments has been requested, the Headteacher will have discretion to determine whether they will be paid or unpaid.

9.5 Antenatal Appointments

All pregnant employees have the right to take paid time off to attend antenatal appointments. Except in respect of the initial appointment, evidence of appointments must be provided if requested by the Headteacher or employee's line manager.

Prospective fathers / partners of pregnant women may take unpaid time off to accompany her to up to two antenatal appointments, subject to a maximum limit of 6.5 hours per appointment. Such employees may be required to complete a form declaring their eligibility.

9.6 Maternity Leave

Eligible employees will be entitled 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave with pay at the current rate of statutory maternity pay.

Employees should refer to the School's maternity policy for further details on the Occupational Maternity scheme and further guidance on maternity leave.

9.7 Paternity Leave

Eligible employees are entitled to take either one week or two consecutive weeks' Paternity Leave following the birth of their child in order to care for the child or support its mother. This also applies to surrogate parents who will be applying for a parental order and who meet the eligibility criteria. Paternity Leave is paid at the current rate of statutory paternity pay.

Employees who have a "qualifying relationship" with a pregnant person or their expected child are also entitled to unpaid time off during working hours to accompany a pregnant woman to antenatal

appointments, which is limited to no more than two occasions lasting no more than six and a half hours each. This entitlement also applies to agency workers with at least 12 weeks' continuous service in the same role.

Employees should refer to the Academy's paternity policy for further guidance and eligibility criteria.

9.8 Maternity Support Leave

Support staff are entitled to Maternity Support Leave of five with pay if they are the child's father, civil partner or partner, or nominated carer of an expectant person, at or around the time of the birth. A nominated carer will be required to demonstrate that they are the primary provider of support for the mother.

9.9 Adoption Leave

Eligible employees are entitled to up to 52 weeks' adoption leave. The first 26 weeks is known as "Ordinary Adoption Leave" and the last as "Additional Adoption Leave". Where a couple adopts a child jointly, only one of them can take adoption leave. The couple can choose which parent takes adoption leave; their spouse, civil partner or partner may be able to take paternity leave, parental leave, or shared parental leave.

If you have a child placed with you under a local authority "fostering for adoption" or "concurrent planning" arrangements, or you are entering into a surrogacy arrangement under which you will be applying for a parental order, you may also be entitled to adoption leave and pay.

Agency workers with at least 12 weeks' continuous service in the same role and employees are also entitled to time off to attend adoption appointments. Primary adopters (or those adopting a child alone) are entitled to paid time off on up to 5 occasions in relation to any particular adoption (whether or not they are adopting more than one child). The secondary adopter (usually those intending to take paternity leave) are entitled to unpaid time off on up to 2 occasions. Time off is limited to no more than six and a half hours for each appointment.

Employees should refer to the school's Adoption Policy for further guidance and eligibility criteria.

9.10 Parental Leave

Eligible employees are entitled to statutory unpaid parental leave in relation to a child under the age of 18 that they have or expect to have parental responsibility for. The right applies in respect of each child and should ordinarily be taken in blocks of one week. A maximum of four weeks of parental leave can be taken in any one year. Where leave is being taken in respect of a disabled child, parental leave may be taken in multiples of one day.

Employees should refer to the Academies parental leave policy for further guidance and the eligibility criteria.

9.11 Shared Parental Leave

Shared Parental Leave (SPL) provides eligible spouses, civil partners, partners, adopters and surrogate parents (who will be applying for a parental order and who meet the eligibility criteria) more flexibility in how to share the care of their child in the first year after their child is born or placed with them for adoption.

The option to 'opt in' to SPL applies to parents who meet the eligibility criteria.

In birth cases, SPL allows parents to take up to 52 weeks leave in total on the birth of a child, less two weeks' compulsory maternity leave.

In adoption cases, SPL allows adopters to take up to 50 weeks of the adoption leave entitlement. There is no autonomous right to SPL; this right will only arise if the mother or primary adopter chooses to curtail their statutory maternity or adoption leave and share the remaining entitlement.

Employees should refer to the School's shared parental leave policy for further guidance and eligibility criteria.

9.12 Trade Union / Professional Association Duties and Activities

Staff undertaking duties or attending activities in relation to their membership or role within a recognised trade union will be granted time off in accordance with any locally agreed facilities agreement in place at the time of the request, taking into account the provisions of the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

9.13 Time off for Health and Safety Representatives

Under the Health and Safety at Work Act 1974 (as amended) a recognized trade union may appoint, or employees may elect, safety representatives from amongst the school's employees. These representatives are entitled to carry out relevant activities during what would otherwise be normal working hours.

9.14 Other Leave Not Covered

If an employee wishes to request time off for a form of leave not covered in this policy, they should approach their line manager in the first instance explaining the circumstances, including when, and for how long, they wish to take leave. In considering whether or not to grant the request and whether it should be paid or unpaid, the line manager and/or Headteacher will bear in mind any statutory provision, local or national agreement recognised by the Board of Trustees in relation to the particular leave request, as well as custom and practice, if any, relating to similar circumstances. Ultimately, unless there are particular provisions to which the school is required to adhere, the leave will be granted at the discretion of the Headteacher or Chair of Trustees, bearing in mind the operational needs of the academy.

10 Abuse of Time Off and Unauthorised Leave

Whilst the academy's approach is to endeavor to grant special leave in line with this policy where the request is reasonable and it is operationally feasible to do so, employees should be aware that taking unauthorised leave (such as taking leave which has previously been refused) or making a dishonest request for leave (for example by requesting leave for false reasons) will be treated as a serious disciplinary matter potentially leading to dismissal for gross misconduct.

11 Data Protection

When an employee makes a request to their line manager for time off under this Special Leave Policy, personal data collected will be processed in accordance with the academy's data protection policy. In particular, only the personal information required to deal with the employee's request for time off should be recorded and this information kept only for as long as necessary to deal with the request.

12 Status of Policy and Review

The content and operation of this policy is reviewed on a regular basis by the Board of Trustees Body. The policy is discretionary and does not confer any contractual rights.