



## Special Leave Policy and Procedure

### Version 9.2

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<b>References:</b>	Employment Rights Act 1996 Employment Relations Act 1999 Equality Act 2010 Family Leave Policy Health and Wellbeing Policy Bereavement and Compassionate Leave Policy Domestic Abuse Guidance

## **Contents**

	Page
Policy Statement	3
1. Scope	3
2. Roles and Responsibilities	3
3. Equality and Diversity	3
4. Principles	4
5. Making a Request	4
6. Withdrawing a Request	5
7. Appeals	6
8. Conduct	6
9. Monitoring Compliance With and Effectiveness of this Procedure	6
10. Review	6

## POLICY STATEMENT

We are here to make great schools and happier, stronger communities so that people have better lives. We do this by:

- Always doing what is right
- Trusting in each other and standing shoulder to shoulder
- Doing what we know makes the difference

Doing what is right means always acting with integrity, in the interests of others and being honest, open and transparent.

Whilst there is no legal right to paid time off for special leave, the Trust Board has made the decision to provide staff with an opportunity to request paid/unpaid time off, as detailed within this policy. We also encourage our staff and managers to consider how they might resolve challenges through flexible working arrangements. For example, a teacher may choose to attend a dental appointment during a free period. Staff may be able to swap activities around with colleagues to provide support and cover for each other (e.g. to attend a sports day or school nativity). Depending on the role, there may be flexible working arrangements already in place where some staff may be able to make time up or vary start/finish times. Rather than having a rigid time allocation for all staff we recognise that different roles and departments offer varying flexible, supportive options which enable staff to balance their home, work and personal lives.

We recognise that balancing work and home commitments can be challenging and that employees will from time to time, face exceptional circumstances which require time off. We will deal with all requests respectfully, discreetly and swiftly.

### 1. SCOPE

This procedure applies to all staff employed by TEAL, with the exception of casual workers.

### 2. ROLES AND RESPONSIBILITIES

The **Resources and Finance Committee** is responsible for approving this procedure, ensuring there is a fair and consistent approach to requesting and approving special leave.

**Headteachers and senior leaders** are responsible for ensuring that staff and managers adhere to this procedure and for monitoring its application and effectiveness within their schools.

The **HR Department** is responsible for ensuring that employees have access to this procedure and that managers and employees apply it fairly and consistently.

**Managers** and staff with supervisory or leadership responsibilities must ensure they implement this procedure fairly and equitably, seeking guidance, clarification and support as and when required.

**Employees** are encouraged to read this procedure, adhere to the processes detailed and seek clarity from either their manager or the HR Department if they have any queries.

### 3. EQUALITY AND DIVERSITY

The Education Alliance is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines

- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged

This policy does not treat staff with protected characteristics less favourably and it aims to provide staff with greater flexibility, whatever their circumstances.

#### **4. PRINCIPLES**

We recognise that our staff are hardworking and committed. Our leaders do everything they can to ensure staff are supported effectively to reduce levels of stress and anxiety at work, and we start from an assumption of professional trust and the belief that everyone seeks to do a good job. Our culture is one of openness, honesty and kindness and we are here to make the lives of students and staff better.

1265 hours are not a “target” to direct teaching staff up to, so where a colleague is not required to attend a particular directed event for a reason such as not teaching a particular year group, they should not be given directed work to “make up” for that time. Indeed, they should be trusted and allowed to use that time, however they choose, either in school or at home.

The legal definition for a dependant is ‘spouse, child, parent or person living in the same household’ under the Employment Relations Act 1999. This does not include an employee, tenant, lodger or boarder. ‘Child’ for the purpose of special leave, is a child under the age 16, unless they have a disability, in which case there is no age restriction.

**A maximum of 5 days paid special leave and 10 days unpaid special leave can be granted within a rolling 12-month period (it is recognised that exceptional circumstances may be considered by Headteacher or CEO). Hospital, GP or emergency dental appointments will not be counted.**

#### **5. MAKING A REQUEST**

Employees may request special leave via the HR system for the following reasons:

- Graduation ceremony (employee or a close family member).
- Dependant’s appointments (e.g. child’s hospital appointment).
- Care for a dependant if they fall ill or are injured and there are no alternative arrangements that can be accessed at short notice, or to make arrangements for the provision of care for a dependant who is ill or injured.
- To make arrangements for the care of a dependant when arrangements are unexpectedly disrupted or terminated.
- Hospital appointments.
- Whilst it is expected that staff will arrange dental/GP appointments outside working hours, there may be occasions where this is not possible and it is therefore expected that should the need arise, such appointments are booked for either the start or end of the day to minimise the impact on pupils and service delivery.
- Emergencies at home, such as flood, fire or burglary, requiring an employee to take reasonable time off work to deal with the emergency.
- Staff may need to submit requests for special leave for some planned events, such as domestic repairs, building work, installations, deliveries, and holidays, but staff should be mindful of the

impact such absence may have on pupils, colleagues and service delivery, and should therefore keep such requests to a minimum.

- House moves.
- Attendance at interviews.
- Teachers may request up to 1 day for an induction into their new school.
- Children's sports days and nativities. In the first instance, employees should make informal arrangements with their colleagues and line manager to swap/ cover one another for sports days and nativities. If employees are unable to make informal arrangements, they can submit special leave requests and the school will use their best endeavour to support if operationally feasible.
- Once in a lifetime opportunities, that may require a period of unpaid leave during term time.

We acknowledge the diverse range of staff we employ provides us with opportunities to assess leave requests against the circumstances, rather than applying the same rules for all, regardless of their suitability. When considering special leave requests, we will be mindful of the needs of our pupils, other staff, financial considerations and the services we deliver across TEAL. This will involve managers making difficult decisions, balancing the needs of our schools and TEAL with the needs of individuals. Line managers may need to meet with staff where excessive time off under this policy is impacting their work and/or service delivery.

Employees should initially discuss their special leave request with their line manager (wherever possible). It is helpful for the employee to share as much detail as they can in the comments box on the HR system as a decision will be made on the information submitted. However, if the issue is highly sensitive, the employee may wish to discuss the matter with a HR colleague. Employees should submit special leave requests at the earliest opportunity, although it is acknowledged that a serious emergency issue may result in a retrospective form being submitted. The employee must follow their absence reporting procedures as a minimum prior to taking special leave.

Employees who are able to make informal arrangements with their colleagues and line manager (e.g. teachers may be able to swap/cover one another, or time off in lieu for associate staff) should submit a special leave request, to enable TEAL to oversee any potential workload impact for colleagues who may agree to provide cover for colleagues. If employees are unable to make informal arrangements, they can submit special leave requests via the HR system.

**Special leave is discretionary, therefore it is vital that employees do not assume that their request will be approved or paid.**

HR colleagues will ensure managers are involved in special leave considerations, as managers need to assess the operational feasibility of a request. Headteachers will normally be involved in the approval of special leave requests. Requests will be dealt with fairly, sensitively and promptly and once a decision is made the employee, their line manager and the Cover Officer/HR will be notified.

## **6. WITHDRAWING A REQUEST**

If an employee wishes to withdraw their request, they should speak to their line manager and the HR Department to withdraw their request.

## **7. APPEALS**

If an employee believes they have been unfairly treated, they may wish to appeal against the decision regarding their special leave request. The employee must submit their appeal to the HR Department within 5 working days of receipt of the decision, clearly stating the grounds for their appeal.

If the Headteacher has not been involved in the initial decision, they can review the original documentation and decision alongside any additional information submitted and will either make a decision and write to the employee or will arrange an appeal meeting. If the Headteacher has been involved in the initial decision, the appeal may be escalated to another senior leader as appropriate.

The outcome of the appeal is final.

## **8. CONDUCT**

If an employee is found to have deliberately misused this procedure, the matter will be dealt with under the Disciplinary Policy and Procedure.

## **9. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE PROCEDURE**

Effectiveness and compliance of this procedure will be monitored on an annual basis by the HR Department.

## **10. REVIEW**

This Procedure will be reviewed within three years of the date of implementation with trade unions via the Joint Consultation and Negotiation Committee (JCNC).

## **Appendix of policy updates following each review**

### **July 2024**

Schools are finding the current iteration of the Special Leave Policy difficult to manage, as there is little guidance regarding what falls within the policy, alongside the parameters for approval. The proposed changes include examples where employees may request special leave, approval processes and clearer parameters. The trade unions also requested that we require those arranging cover to submit this information on the HR system, so we are able to track whether there are unintended workload consequences for staff offering to cover. The revised policy includes this amendment.