

Special Leave Policy and Procedure

Version 6.0

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<p>Related Documents:</p>	<p>Family Leave Policy and Procedure Disciplinary Policy and Procedure Flexible Working Requests Procedure Redeployment Procedure</p>
<p>References:</p>	<p>Employment Rights Act 1996 Employment Relations Act 1999 Equality Act 2010 Reserve Forces (Safeguard of Employment) Act 1985 Reserve Forces Act 1996 www.cipd.co.uk</p>

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1. POLICY STATEMENT

The Education Alliance recognises that there will be circumstances where employees need to take time off work at short notice or under special circumstances which fall outside of other leave policies. The Education Alliance understands its obligations under the Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Equality Act 2010 and takes those responsibilities seriously.

The Trust's vision is seeking excellence through inspirational leadership, teamwork, innovation and challenge. We work to ensure that all of us achieve our best. Our values are:

- Working together for students
- Generating ideas and sharing outstanding practice
- Promoting independence and interdependence
- Encouraging questioning, feedback and challenge

The Trust has four guiding principles:

- Focus on learners to drive decisions
- Believe in the team
- Keep it simple, do it right
- See it, own it, make it happen

2. PURPOSE AND SCOPE

The purpose of this policy is to provide clarity to ensure requests for special leave are dealt with fairly, consistently and sensitively. There is a clear expectation that all personal arrangements requiring time off must be made outside of normal school session times, however, it is acknowledged that employees will from time to time suffer from genuine emergencies at home such as flood, fire or burglary. Special leave does not apply to planned events such as domestic repairs, building work, installations or deliveries.

This policy applies to all employees (with the exception of workers on casual agreements) and provides guidance in relation to the types of circumstances that may be viewed as requiring special leave and the amount of leave an employee may be able to access in such circumstances. The policy covers all aspects of short notice special/emergency leave requests.

3. ROLES AND RESPONSIBILITIES

The **Trust Board** is responsible for monitoring the effectiveness of this policy and for ensuring that appropriate policies, procedures, systems and processes are in place to minimise any workload implications arising out of its operation.

The **CEO** is responsible for ensuring that all staff are treated fairly and consistently in the application of this policy and procedure and it is with this in mind that the CEO will hear appeals.

The **Human Resources Department** is responsible for ensuring that all staff are aware of this policy and procedure. HR staff will provide employees and managers with clarity and guidance regarding the policy and procedure and will also assess each request and make an objective decision, ensuring the policy is applied fairly and consistently. The HR Department will notify

managers, employees and staff members responsible for providing cover of decisions made and will facilitate any appeals received.

Where the outcome is either that the request is not approved or it is approved as unpaid leave, **HR** will contact the **Head of School** prior to a decision being communicated to ensure that any additional relevant information is taken into account.

Managers and staff with supervisory or leadership responsibilities must ensure they are aware of this policy and that employees they are responsible for adhere to its requirements.

All **staff** must ensure they are familiar with the requirements of this policy and that they adhere to the absence notification requirements and the correct process for requesting special leave. Where possible, staff should discuss their requests for leave with their line manager prior to submitting a request within e-days. This policy is discretionary therefore staff must bear this in mind when they submit a request. Special leave is not an entitlement; therefore unless there are exceptional circumstances (where a retrospective request will be considered) all requests should be made in advance of the actual dates requested.

Staff responsible for recording absence and arranging cover will record special leave for monitoring and payroll purposes and will ensure cover is arranged where necessary.

All members of staff involved in this process will ensure that employees are treated with dignity and respect.

4. EQUALITY AND DIVERSITY

The Education Alliance is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines
- Ensuring staff are protected from unlawful direct or indirect discrimination resulting from a protected characteristic (e.g. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation)
- 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

5. DEFINITIONS

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 she/he has a disability, in which case there is no age restriction.

It may be appropriate for staff to consider submitting a special leave request for the following circumstances, recognising that **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 Head of School or CEO):**

Circumstances	Possible Leave Per Request
Bereavement	
In consequence of the death of a family member and to make arrangements and attend the funeral. For the purposes of this Policy the definition of a family member includes the employee's spouse, child, parent, person living in the same household (not including an employee, tenant, lodger or boarder), grandparents, brother, sister, parents-in-law, guardian, adopter, step parent, step son/daughter, step brother/sister, aunt, uncle, brother/sister-in-law and an adoptive relationship.	Up to 2 days paid special leave for arrangements and 1 day's paid special leave for the funeral may be granted.
Dependants	
To care for a dependant if they fall ill or are injured and there are no alternative arrangements that can be accessed at short notice.	It is expected that in such circumstances alternative arrangements are made where care is required for more than 1 day, therefore 1 day's paid special leave may be granted.
To make arrangements for the provision of care for a dependant who is ill or injured.	It is expected that in such circumstances alternative arrangements are made where care is required for more than 1 day, therefore 1 day's paid special leave may be granted.
To deal with an unexpected emergency incident that involves a dependant	It is expected that in such circumstances alternative arrangements are made where care is required for more than 1 day, therefore 1 day's paid special leave may be granted.
To make arrangements for the care of a dependant when arrangements are unexpectedly disrupted or terminated.	It is expected that in such circumstances alternative arrangements are made where care is required for more than 1 day, therefore 1 day's paid special leave may be granted.
Health and Wellbeing Appointments	
Hospital appointments.	Usually paid special leave will be granted.
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 end of the day to minimise the impact on students and service delivery.	Paid special leave may be granted where efforts have been made to make arrangements in own time or, failing that, the start or end of the working day.

Expectant mothers attending Antenatal appointments (e.g. doctors, midwives and hospital appointments).	Reasonable time off from work, with pay, will be granted.
Partners accompanying an expectant mother to Antenatal appointments (e.g. doctors, midwives and hospital appointments).	A maximum of 2 days unpaid special leave will be granted.
Adoption appointments / meetings as part of the Adoption process	Reasonable time off from work, with pay, will be granted.
Miscellaneous	
It is recognised that employees will, from time to time, experience acute domestic distress due to genuine emergencies at home, such as flood, fire or burglary, requiring an employee to take reasonable time off work to deal with the emergency. Special leave does not apply to planned events, such as domestic repairs, building work, installations, deliveries, and holidays.	Paid special leave may be granted whilst the immediate emergency is dealt with (usually 1 day may be granted with a maximum of 2 days per request).
When an employee is moving house they can request special leave for the actual day they move.	A maximum of 1 day's paid special leave may be granted.
Attendance at interviews.	Normally a maximum of 1 day's paid special leave may be granted, although it is recognised that there may be occasions where up to 2 days may be required (e.g. SLT recruitment).
Teachers may request up to 1 day for an induction into their new school.	Up to 1 day's paid special leave may be granted.
Employee's graduation ceremony.	A maximum of 1 day's paid special leave may be granted.
Son/daughter/partner's graduation ceremony.	A maximum of 1 day's paid special leave may be granted.
Public Service	
Jury Service / Court attendance / Inquests / Tribunals when summoned	Leave will be granted without loss of earnings (please note the procedure detailed below).
Public duties including representing the country in sport	Reasonable time off from work, unpaid, will be granted. Please see details below.
Reservist duties	Unpaid time off. Please see details below.

6. SPECIAL LEAVE REQUESTS

There is no statutory right to paid time off for special leave. However, the Education Alliance has made provision for employees to request paid and unpaid special leave as detailed above. The Education Alliance has made provision for employees to request up to a maximum of 5 working days paid special leave and a maximum of 10 working days' unpaid special leave in a rolling 12 month period. The Education Alliance will not normally approve paid special leave of more than 2 days per request.

Any special leave granted for part-time employees will be calculated on a pro-rata basis.

Employees should initially discuss their request with their line manager (wherever possible) and submit a special leave request via e-days.. It is helpful for the employee to detail as much as they can on the booking request 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 the HR Advisor, Trust HR Manager or the Trust Director of HR. A Special Leave request must be completed by the employee within e-days in all circumstances, although it is acknowledged that a serious emergency issue may result in a retrospective request being submitted. The employee must follow the normal processes for notification of absence as a minimum prior to taking special leave.

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

Special leave requests will be dealt with fairly, consistently and promptly and once a decision is made the employee, their line manager and the Cover Officer will be notified.

JURY SERVICE / COURT ATTENDANCE / TRIBUNALS (when summoned)

Employees will be allowed time off to attend Jury Service, attend Court as a victim or witness, or attend Tribunals when they are summoned. Leave will be granted wherever possible without loss of earnings.

Employees will only be refused permission to attend Jury Service if doing so would seriously harm the education of students or the business requirements of the Education Alliance. Employees can only delay Jury Service once within a 12 month period.

When they are summoned employees must inform the HR Department of their summons as soon as reasonably practical and complete a Jury Service request within e-days with the details of the leave required. Time off will be unpaid, however, employees will be able to claim a loss of earnings allowance from the court. Employees will receive a certificate of loss of earnings form with their summons. Employees should submit this to the Finance Department and a member of the Finance Department will complete the loss of earnings details.

7. TIME OFF FOR PUBLIC DUTIES

The Employment Rights Act 1996 makes provision for employees to take a reasonable amount of time off to perform their public duties. This includes if they are:

- A magistrate (also known as a justice of the peace)
- A local councilor
- A school governor
- A member of any statutory tribunal (e.g. an employment tribunal)
- A member of the managing or governing body of an educational establishment
- A member of a health authority
- A member of a school council or board in Scotland
- A member of the prison independent monitoring boards (England or Wales)

This right is to a reasonable amount of time off. There is no right to paid time off for public duties.

8. RESERVIST DUTIES

The Education Alliance recognises that it has an obligation to provide support to those employees who have been mobilised. Employees will only be refused permission for time off for Reservist duties if doing so would seriously harm the education of students or the business requirements of the Education Alliance.

It is the employee's responsibility to ensure that the Trust is made fully aware of their reservist status as part of the recruitment process. The Reserve Forces Act 1996 gives no statutory warning period prior to mobilisation, however, the Ministry of Defence (MoD) aims to give Reservist employees and their employer 28 days' notice of call-out. For High Readiness Reserves a notice period of 7 days or less is allowed. Reservists are required to notify their manager as soon as possible after receiving a call-out order and complete a special leave request within e-days detailing the requirements for their leave.

Upon receipt of a mobilisation notification document and special leave request the line Manager and the HR Department should make arrangements to cover the reservist's post during their absence using a temporary cover arrangement. Under no circumstances should the reservist's post be covered on a permanent basis. The reservist must provide HR with copies of their MoD papers and their new salary details. HR will then write to confirm their leave and pension details.

The length of mobilisation will be dependent upon the power used by the Reserve Forces Act 1996 but will normally be between 3 months up to a maximum of 12 months.

The continuity of a Reservist employee's period of employment is not broken by a period of mobilisation. All contractual and statutory rights will continue, with the exception of pay. Under the Reserve Forces (Safeguard of Employment) Act the Education Alliance is obliged to re-engage the Reservist Employee within 6 months of demobilisation. The Reservist is entitled to return to work on the same terms and conditions of employment which they would have had if they had not been called up. If it is not possible to offer the Reservist the same post on the same terms and conditions due to a restructure, they should be supported under the Redeployment Policy.

Time off to attend training for Reservist duties will be at the discretion of the CEO or Head of School and will usually be unpaid.

9. CONDUCT

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

10. APPEAL

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 Director of Human Resources within 5 working days of receipt of the decision, clearly stating the grounds for their appeal.

The Head of School will 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 which will be heard by the Head of School. The process for appeal meetings can be found in Appendix 3.

The outcome of the appeal is final.

11. MONITORING AND COMPLIANCE WITH AND EFFECTIVENESS OF THIS POLICY

Effectiveness and compliance of this Policy will be monitored by the HR Department.

12. REVIEW

This policy will be reviewed within 2 years of the date of implementation.

Appendix 1 - PROCESS FOR REQUESTING SPECIAL LEAVE

It is recognised that some requests may be made retrospectively (e.g. when an unforeseen emergency arises)

