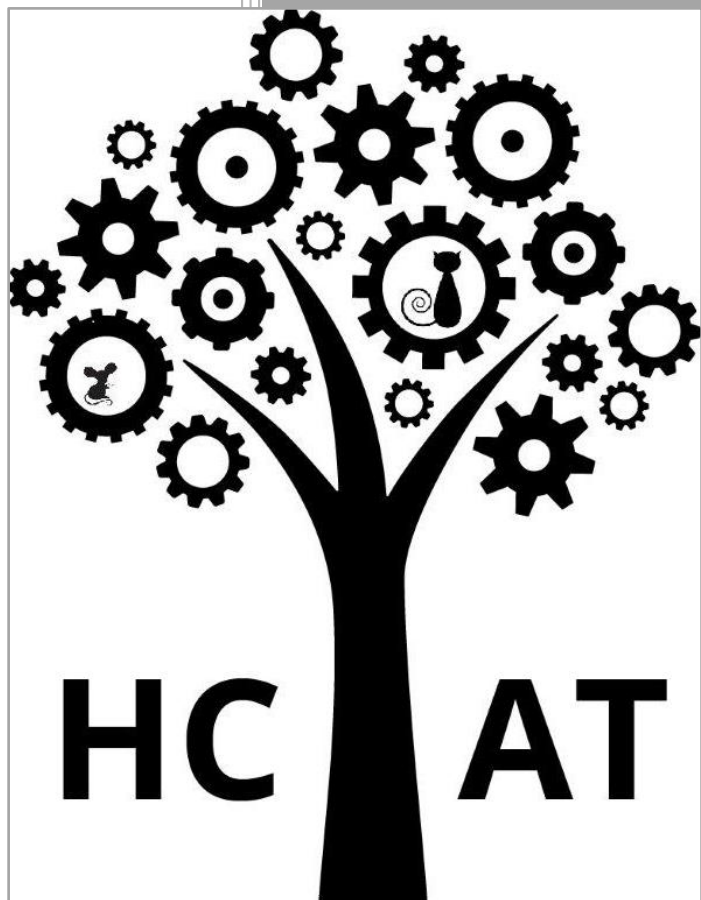


HCAT
Special Leave Policy
2017



HCAT SPECIAL LEAVE POLICY

Please note:

This policy has been developed between key advisors, the trade unions represented at the school and professional associations recognised by HCAT who have been consulted in the development of this policy.

Introduction

The Trust recognises that its employees have a life outside of work as individuals, and as part of their family and the wider community, and this sometimes unavoidably places demands on an employee during normal working hours. This policy aims to facilitate employees in meeting these overlapping calls upon their time, however, it must be remembered that providing a high quality education to our pupils and students is our over-riding priority and all requests for special leave of absence will be considered in this context.

This policy sets out the approach to be adopted to deal with requests for time off from work, and the circumstances in which paid leave and unpaid leave may be granted.

It aims to ensure fairness and consistency in the way in which requests are dealt with across the Trust, whilst recognising that circumstances will vary between academies.

Applicability

This procedure applies to all employees working for the Trust.

Teachers and term time only support staff have contracts of employment which provide for annual holidays to be taken during school closures. There is therefore no contractual entitlement to time off during term time. However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay and this policy sets out those entitlements.

It is also recognised that from time to time, the Trust may agree to grant individual employees time off (paid, unpaid or "in lieu" where flexible working is possible) during term time, or at any time for full-year employees, for a variety of reasons. Such time off may be granted on request and at the Trust's discretion.

Roles and Responsibilities

The Head of School is responsible for considering requests for time off under the terms of this procedure, although they may choose to delegate responsibility to line managers. The Head of School is responsible for ensuring that decisions about time off are made fairly and consistently within their academy, taking into account all the relevant information.

Managers are responsible for communicating any decision regarding time off as soon as possible.

A nominated person in the academy is responsible for notifying payroll of any leave granted without pay or where pay will be affected (e.g. jury service).

The academy must keep a record of all special leave (paid or unpaid) taken within their academy, including where requests are denied, so that use of this policy can be properly monitored

Employees are responsible for ensuring requests for leave are made on a special leave request form and in accordance with this policy, and in good time wherever possible.

Human Resources are responsible for advising management of the requirements of this policy.

Principles

Requests for time off should normally be made in writing on a Special Leave Request Form, although urgent 'on the day' requests may be made by telephone and the form completed retrospectively. In some cases, specific requirements exist which are documented below.

In some circumstances it may be appropriate for management to seek supporting information / documentation when considering a request for time off. Regard should be given to the confidential nature of the information which may be given.

Time off must be approved in advance before it is taken, unless impractical to do so, for example, in the cases of compassionate leave or domestic emergencies where requests to take leave may have to be made at very short notice, or even after the event.

The granting of special leave is not an automatic entitlement; any decisions on requests special leave will take account of both the academy's operational requirements and the employee's own needs.

Where there is reference to a 12 month period, this a ongoing rolling 12 month period.

If there are concerns about the use of special leave, this will be discussed with the employee concerned in the first instance. If there is evidence of the system being abused, then it will be referred to the Trust's disciplinary procedure.

If an employee considers that a decision has been made unfairly, or not in accordance with this policy, they may ask for the decision to be reviewed (informal resolution). If this does not resolve the matter, they should refer to the Trust's Grievance Policy.

Maternity, Adoption, Paternity and Parental Leave

Employee's legal rights will be honoured in accordance with legislation and relevant conditions of service.

Emergency & Domestic Leave

Emergencies involving a dependant

Employees have the right to unpaid time off work to deal with emergencies involving a dependant.

Academies may go further than the legal entitlement to unpaid time off at the Head of Schools discretion, and consider granting paid leave in cases of domestic difficulty, illness of the employee's child or other close relative.

Paid leave may be up to but not greater than 5 days in any 12-month rolling period, all paid leave is granted to the discretion of the Head of School. Employees should be aware that paid time off for family and domestic reasons is not an annual entitlement, but determined on each occasion according to the case and individual circumstances.

A dependant is a spouse, partner, child or parent of the employee (or anyone living in the employee's house as a member of the family but who doesn't pay rent) or someone who reasonably relies on the employee for help in an emergency situation. "Child" for the purposes of this leave is a child under the age of 16 years, or up to the age of 18 years in the case of a disabled child (in receipt of a disability living allowance).

Time off for dependants only applies to emergency situations and not events known in advance, for example:

- a dependant falls ill is injured or assaulted
- unexpected disruption or breakdown in care arrangements
- a dependant having a baby who goes into labour unplanned

- child involved in an incident at school.

Where an employee needs to take time off for a dependant then they should inform their manager as soon as possible and let them know how long they expect to be absent. It is expected that time off should only last one day in the first instance in order to deal with the initial need and put in place alternative arrangements. There is also an expectation of shared care, where a child has both parents, or where there are a number of siblings in the case of elder-care and therefore time in excess of one day per incident may be unpaid.

The Head of School should also look flexibly at the alternatives to paid or unpaid leave which might be available dependent upon circumstances such as working from home, flexi time, time in lieu, temporary adjustment to hours or annual leave.

Serious illness

In circumstances of serious illness of a child or close relative the number of days paid leave may be increased to 10 in any 12-month period. Each request for time off in excess of the 10 day period will then be considered on an individual case-by-case basis subject to the specific circumstances of the request and mindful of consistency & fairness, and where granted this additional time off may be granted without pay.

“Serious illness” is defined as that which makes it necessary for the employee to make urgent & special arrangements for the care of a relative (e.g. following discharge from hospital, or where a child is so ill that a parent is required to be in permanent attendance). This provision will only be made when there is no other person/provider/carer available to look after the sick relative. If the outcome of the illness is such that the patient requires long term care, the Head of School may grant a reasonable period of unpaid leave.

Dentist / doctor / hospital appointments for employee’s child

Routine appointments with a dental practitioner / doctor for an employee’s child are expected to be arranged during an employee’s own time e.g. outside normal working hours, during annual leave. Equally, hospital appointments for an employee’s child should be arranged in an employee’s own time wherever possible.

Appointments are often imposed rather than agreed and therefore out of the control of the employee. Due consideration should be given and discretion applied where that happens.

However, where an employee’s child is allocated a specific, fixed hospital appointment time and the employee is unable to cover the absence using their own time (e.g. annual leave or flexi time) then reasonable time off with pay will be granted within the 5 days specified above. In extenuating circumstances additional paid leave may be granted at the discretion of the Head of School.

Other emergency & domestic leave

There are no rigid criteria for emergency & domestic leave but reasons for requests may include:

- a personal crisis (e.g. burglary; serious damage to the home due to flood, fire or storm; breakdown of marriage or long term relationship; domestic violence)
- a serious emergency involving a close relative or partner.

The employee must notify the Head of School (or his/her line manager) as soon as possible of the reason for the absence or a need to leave the workplace if they are already at work. The employee will need to say how much leave s/he would like to request to take.

The leave can be paid (if within the 5 days stated above), unpaid, or taken as annual leave or time in lieu where the employee is able to work flexibly. This decision rests with the Head of School.

It is expected that the employee will remain in touch with their Head of School during the period of emergency leave, and that any request to extend the amount of leave initially requested should be made at the earliest opportunity.

Where two or more people from the same household are employed by the Trust, only one employee per household will be granted time off for instances where a presence is required at the property concerned, e.g. house flooded due to burst pipes.

Bereavement Leave

Leave with pay for compassionate reasons will normally be granted to all employees regardless of length of service, for the death of, or attendance at the funeral of, a close family relative or close personal friend.

Bereavement leave will not normally exceed a total of five days in any 12 month period (pro rata for part time employees). In exceptional circumstances (such as multiple bereavements) the Head of School, in consultation with the Chair of the Local Governing Body, may extend paid leave where unforeseeable problems have arisen in the employee's arrangements or where unpaid leave would cause significant financial hardship.

There is not an automatic entitlement to five days per bereavement, nor to a full day on each occasion, and the amount of paid leave granted will take in to account the closeness of the relationship to the deceased and the level of involvement that the member of staff has in making the funeral arrangements, along with the timing and location of the funeral. It is not easy to give hard & fast rules on this, and each situation needs to be considered sensitively and on its merits, but by way of guidance:

- a longer period of absence would generally be granted where the deceased is immediate family (partner, parent, sibling, child, or someone else who lives with the employee) and/or where the employee is involved in making the funeral arrangements
- a shorter period of absence would generally be granted where the employee is not involved in making the funeral arrangements and the deceased is a grandparent, aunt/uncle, cousin, or relative of the employee's spouse/partner.

Time off for hospital, doctor, dental and other medical visits

Employees are expected to arrange medical appointments at either end of the working day wherever possible or during lunch breaks, or to make use of flexi time / time in lieu where this is available.

Urgent dental treatment should be treated as sickness absence, so no need for special leave to be requested. If such an emergency requires a longer period of absence from work, the absence will be treated as being due to ill health and normal procedures should be followed.

Where an employee is unable to ensure that a doctor's or hospital appointment is made in their own time, then time off with pay can be granted for an appointment made during working hours at the discretion of the Head of School. The employee must provide a copy of the appointment card / letter.

Whilst initial hospital appointments may be unavoidably within work time, where possible follow-up appointments should be arranged in the employee's own time. If this also proves difficult, then effort should be made to arrange appointments either at the beginning or the end of the school day to minimise disruption.

As a “reasonable adjustment” the Head of School can grant paid leave of absence where an employee has an on-going or chronic condition which may qualify as a disability and either long courses of treatment are involved or the employee is required to see a specialist consultant, and it is difficult for the employee to make the appointment(s) outside of working hours. Time off may be granted for some or all of the appointments, depending on the circumstances of the case. The Head of School may request that advice is given by the occupational health service prior to agreeing this.

All non-elective hospitalisation should be treated as sickness and medical certificates provided in line with normal sickness absence procedures.

Medical screening, donors & infertility treatment

Paid time off will be given for the purposes of appropriate medical screening, including all cancer screening. This will not be regarded as sickness absence and the Head of School should record the absence as authorised special leave. Reasonable time off with pay will be granted for employees to attend their own GP’s Well Person’s clinics where appointments for these cannot be made outside the school day.

Employees may be granted time off with pay to attend blood donor sessions where it is not possible to arrange this outside the school day. An appointment card / letter should be provided.

An employee may be granted paid time off up to a maximum of 4 weeks to act as an organ / bone marrow donor; supporting medical documentation will be required. Any time above 4 weeks will normally be without pay. This time should not be counted as sickness absence.

Reasonable paid time off, up to a maximum of 10 days per year, will be granted for employees who are required to attend medical appointments or who are hospitalised in relation to infertility treatment. However, each case should be considered on an individual basis and employees will be required to provide an appointment card or letter to confirm the details. Consideration should be given to requests for extended periods of time off on an unpaid basis.

Time off for Religious Observance

Requests for time off to attend religious or cultural tradition should be considered sympathetically and accommodated wherever possible, although extended absences will need to be balanced with the operational needs of the school. Requests should be given with as much notice as possible so that full consideration can be given; where good notice is not given then requests may be declined or given unpaid.

Up to two days with pay within any 12-month period may be granted where the employee’s religion requires them to attend on a day on which they would normally be in school during term time. Time off in excess of this, and time required for travelling, should be taken as unpaid leave.

Time for preparation for festivals or days which may be used for family or cultural celebrations which are not specified dates for religious events are not included in this provision, but the Head of School may agree to unpaid leave.

The Head of School may ask the employee to produce evidence of the requirement to attend a religious event if necessary.

Delayed returns

If employees returning from holiday, or extended leave abroad for religious /cultural reasons, are delayed for unavoidable reasons outside of their control such as transport strikes, delayed flights, accidents, volcanic ash, etc. and this delay takes them in to term time (or beyond the end of their authorised annual leave period if full year) it is the employee's responsibility to maintain communication with their Head of School and to keep the delay due to unforeseen circumstances to an absolute minimum.

If the circumstances are not covered by any other policy (e.g. sick pay, or another category of special leave) then the period of absence will be with pay. The Head of School may ask to see evidence of the reasons for the delayed return.

Members of Reserved Forces

Volunteer reserve forces consist of the Royal Naval Reserves, Royal Marine Reserves, the Territorial Army and the Reserve Air Forces.

Employees who serve in a volunteer reserve force should inform their Head of School. The Ministry of Defence will also arrange for the employer to be notified and will follow this up annually to ensure the information held by the MoD is accurate.

Military service

In most cases, time off must be granted to the employee if s/he is called up to carry out his/her military duties. The period of call up can be up to one year in every three years. In exceptional cases, it may be possible to obtain an exemption if the absence of the employee will cause serious disruption to the academy. Such an application must be made within seven days of the reservist being issued with a mobilisation notice.

Reservists who are called up to serve will receive pay from the Services so the Trust will not pay the employee during their absence. The academy must ensure Payroll is informed when the employee commences military service, so that salary payments are stopped.

The period of absence will count for continuous service and the employee has the right to return to his/her job on demobilisation, or to be offered suitable alternative work if his/her old role is not available: see Armed Forces (Safeguard of Employment Act) 1985.

The employee is entitled to remain in the occupational pension scheme during his/her absence and the MoD will pay the employer contributions, provided the employee continues to pay the employee contributions.

Employers are also entitled to claim an 'employer's award' in respect of replacement costs incurred during the period of call-out that exceed the reservists earnings.

Attendance at training

If a reservist is required to undertake training and it is not practicable for the training to take place during the school holidays, the Head of School in consultation with the Chair of Governors may authorise paid leave (or a combination of paid & unpaid leave), up to a maximum of two weeks paid leave in any 12-month period.

The employee should provide the Head of School with a minimum of 28 days' notice.

The academy can claim from the MoD the costs associated with the employee undertaking training. Where loss of earning is paid, the employee must claim and pay the allowance to the academy.

Public Office

School based staff will be granted reasonable paid leave of absence to serve on public bodies or undertake public duties. Recognised public duties include:

- Justice of the Peace (Magistrate)
- Member of a local authority, police or health authority
- Governor of a school or college
- Member of any statutory tribunal
- Member of a Board of Visitors to prisons, remand centres and young offender institutions

For school based staff, there is a contractual entitlement to paid time off for these activities as defined in the Burgundy Book and Green Book. Payment will be at full salary minus any payment which the employee receives in respect of their duties (with the exception of reimbursement of expenses). Employees therefore have a duty to inform the Head of School of their public duty appointment and of any payment they receive.

Time off must be agreed in advance with the Head of School and the employee must provide adequate notice.

Elections

Trust employees who serve during an Election as a Presiding Officer or Polling Clerk are granted time off with pay. This provision does not extend to individuals who assist candidates / parties at elections, who are not expected to take time off during term-time, but may take annual leave or unpaid leave (at Head of School / Director of the Trust discretion) during school holidays if full year.

Search & rescue activities

Employees who are called upon at short notice to participate in search & rescue missions as part of the volunteer warden service are allowed special leave with pay for the day(s) in question.

Other public duties

The Head of School has the authority to approve requests from employees to take time off to carry out other public duties or attend meetings of professional bodies / associations / committees. Each case will be considered on its merits, taking in to account service provision, and may be with or without pay.

Witness in Court

An employee receiving a summons or subpoena to appear as a witness must report the fact to his/her Head of School as soon as possible, and will be granted time off with pay. The employee will provide, on request, documentary evidence in connection with their attendance.

In the event of the employee not being required on a particular day, the employee must report for work.

An employee attending court as a witness should receive from the court forms to claim for loss of earnings; it is expected that employees will claim and pay the allowance to the academy. However, if a part-time employee undertakes witness duty on a day when s/he would normally not be working, the payment from the court for this day would not need to be paid to the academy.

Jury Service

An employee receiving a summons to serve on a jury must report the fact to his/her Head of School as soon as possible.

Paid leave of absence will be granted for jury service. The employee will provide, on request, documentary evidence in connection with their attendance.

In the event of the employee not being required to serve on a particular day, the employee must report to work.

An employee serving as a juror must claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowance regulations, and pay this to the academy. However, if a part-time employee undertakes jury service on a day when s/he would normally not be working, the payment from the court for this day would not need to be paid to the academy.

Special events / functions

Reasonable leave of absence with pay will be granted where an employees is required to attend a specific function or event either as a participant or in support of others, such as:

- If requested to attend a particular function or event by a Government Department, the Local Governing Body or the Trust Board
- If the employee may be receiving some form of honour
- If the employee is required to attend a national or international event as either a competitor, or in support of those competing.

Where an allowance is claimable for loss of earnings, the employee must claim and pay the allowance to the academy.

Time off to attend interviews

At the discretion of the Head of School, paid time off should be granted for attending job interviews with other schools, usually up to a maximum of three days per annum (unless the employee is covered by specific provisions due to the need to make staff reductions within an academy). This time may be given in half- days. Requests in excess of this, may be granted by exception dependent on the circumstances.

This does not include sporting events which someone elects to participate, such as cycle sports, local football club tours, and so on. It is aimed at 'high level' events, such as representing one's country.

Circumstances where additional paid leave is granted may include interviews where travel is required, or where assessments for senior roles take place over several days.

Time off in excess of that set out, or for attending interviews with other prospective employers outside of the education sector, may be granted without pay (or the employee may be asked to make the time up / be granted time off in lieu, or to take annual leave if full-year, this is possible).

The Head of School may request to see evidence of the interview. The amount of time off should be agreed locally, taking in to account the time of the interview, the length of attendance required at the interview, the location of the interview relative to the academy and the employee's home, the employee's role, and so on. There is not an automatic entitlement to a full day off.

Visits to schools prior to applying for a post should, wherever possible, be arranged in the employee's own time. If the other school is unable to accommodate this, then reasonable time should be allowed within the 3 days specified above.

Visits to schools after being offered a new job (or educational training providers where an employee is commencing a teacher training programme) should, wherever possible, be arranged in the employee's own time. If the other school / training provider is unable to accommodate this, a visit is necessary, and it is operationally possible, the employee may be released unpaid, or may be paid at the discretion of the Head of School if it is within the three days specified above.

Where the Head of School determine leave should be without pay they must ensure Payroll is informed.

Time off to attend a graduation or wedding

At the discretion of the Head of School, one day's paid time off may be granted for attending the wedding of a close relative (employee's or employee's partner's immediate family), or the graduation ceremony of an employee's child or partner (up to a maximum of two days per annum) where these fall in term time. Unavoidable travelling time in excess of this will be considered without pay. Where it is possible for annual leave or time in lieu to be used, the Head of School may request this as an alternative to paid leave.

Time off to attend the wedding of someone other than a close relative is discretionary, and one day without pay may be granted.

Where the Head of School determine leave should be without pay, they must ensure Payroll is informed.

Leave of absence will not be granted for an employee's own wedding during term time.

Time off to move house

At the discretion of the Head of School, paid time off will usually be granted for the purposes of moving house where the day of the move unavoidably falls on a weekday in term time, up to a maximum of one day. Where it is possible for annual leave or time in lieu to be used, the Head of School may request this as an alternative to paid leave.

Where the Head of School determine leave should be without pay they must ensure Payroll is informed.

Leave for study / examinations

Time off to sit an examination that would enhance an employee's role specific professional development will be granted with pay. One half-day's paid study leave for each such examination will also be granted.

Inability to get to normal place of work / emergency school closure

Severe weather

In the event of disruption to normal travel to work arrangements, for example, because of exceptionally poor weather conditions, employees should make every effort to get to school where it is safe to do so. This includes in circumstances where the school may be closed to pupils, unless the Head of School has made a determination that employees are not required to attend.

In exceptional circumstances, where the school is closed and employees have been informed that they are not required to attend they should be paid their normal salary for the duration of the disturbance. Where possible, employees should continue to work from home.

Where the school remains open the Head of School should consider if the employee has made reasonable attempts to get to work. If a reasonable attempt has been made, having considered the extent to which most means of transportation cease or are seriously disrupted, then the absence should be with pay. Where possible, employees should continue to work from home.

If the Head of School does not consider that reasonable attempts to attend work have been made, they may ask the employee to make up the time (or take annual leave if full-year employees), or alternatively the period of absence will be without pay. Where the Head of School determine leave should be unpaid, Payroll must be informed.

In severe weather conditions, if employees are going to be late arriving they should telephone the school to report the circumstances but should not suffer a loss of pay. Similarly, if employees are released early they should not suffer loss of pay.

If an employee is ill on the day(s) when there are severe weather conditions, the academy's normal sickness reporting and recording procedures will apply.

Employees who are due to be working off site (e.g. attending a training course or meeting) but who are unable to attend the training / meeting venue should if possible report to their usual workplace. If they are unable to attend their usual workplace then the above will apply.

Absences caused by the urgent need to care for children, elderly or other close relatives whose normal care arrangements have been closed due to severe weather conditions will be considered under "time off for dependents". There is an expectation of making reasonable attempts to make alternative arrangements and/or share the responsibility of care with a partner / sibling if appropriate.

Other circumstances

Where the school is unexpectedly closed for some other reason (e.g. flooding, fire, breakdown of essential equipment), employees may be asked to work from another reasonable location or will be expected to work from home, where the job role allows. Where this is not considered possible employees will be granted leave with pay for the duration of the disturbance or until alternative arrangements are put in place.

Impairment related leave

Impairment related absences may occur when disabled employees have to take leave due to external circumstances which affect their ability to attend work such as:

- Breakdown of usual arrangements at work (sickness of personal assistant, unavailability or malfunction of aid or adaptation, lifts, toilets, car parking, etc) where no suitable alternative arrangement or work can be found (e.g. at home or another site)
- Breakdown of usual arrangements which make it unreasonably difficult to get to work, including unfavourable weather conditions which put employee at risk (over and above 'severe weather conditions' in section 21) and alternative arrangements cannot be made
- Time off for impairment related medical visits (if not already covered under hospital / medical appointments)

When an absence is unavoidable and is related to a disability, but is not due to illness/sickness, reasonable impairment related leave may be granted with pay. This will avoid disabled employees from having to take leave that is then inappropriately classified as sick leave.

Absence will still need to be managed in a proactive way, with support offered to disabled employees, in order to minimise the number of absences where appropriate. The Head of School and the employee should discuss reasonable ways of overcoming any issues and try to reduce the need to take impairment related leave through flexible working and the use of technology.

Other requests for leave of absence without pay

In addition to the provisions outlined in this document, the Head of School also has the discretion to grant unpaid leave of absence in other circumstances which they consider to be appropriate. This may include long term care of a close relative, a full time course of study to enhance an individual's personal development, or another personal reason which might otherwise result in the employee having to resign their employment in circumstances in which the Trust would prefer to retain their services.

Each case should be considered on its individual merits, with regard to fairness and consistency, and with consideration to the needs of the academy and the Trust as a whole. In making a determination, a Head of School may choose to seek advice from HR and/or to consider the approach taken by other Trust academies in similar circumstances.

A leave of absence request should not be approved for the purpose of work / financial gain e.g. short term contract with another employer or consultancy work. Requests which have neither educational nor compassionate grounds will not normally be considered.

Trade Union activities

Employee's requiring time away from work to participate in trade union activities should refer to the Trade Union Recognition and Facility Agreement.

Monitoring & Review

It is expected that each academy will monitor the use of this policy at a local level, and maintain records of special leave taken with and without pay.

This policy will be reviewed at least every three years or as a result of changes to legislation.



Name Employee Number:		SCHOOL:			
I wish to apply for special leave on date/s:		Time:		am / pm	
For the purpose of:					
Signed:		Date:			
Manager/Head teacher for comments:					
Recommendation of Manager/Head teacher:		Approve/Not Approved* *Delete as appropriate With Pay/Without Pay*			
Signed:		Date:			