

# Mundella Primary School



## Special Leave Procedure and Policy

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Feb 2018	Feb 2020			
Signed: Chair of Governors				
Signed: Headteacher				

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# Part A - Policy

## 1 Policy Statement

Mundella Primary School recognises that at some stages during their working lives employees may need to take time off to fulfill their personal commitments, including domestic and family responsibilities. The School also acknowledges that employees have certain statutory rights in respect of time off work.

The School will give due consideration to requests made under these provisions and will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the school.

The School reserves the right to decline requests where this would have a detrimental impact on the operation of the School or cause undue disruption to other staff.

This procedure explains:

- Employees' entitlement to leave and how this should be requested
- How the School will manage requests for leave in a fair and consistent manner.

It does not address absences for reasons of personal sickness or maternity / paternity leave which are set out in other procedures.

## 2 Scope

This Policy and Procedure applies to all employees of Mundella Primary School.

## 3 Adoption Arrangements and Date

This procedure was adopted by the Governing Body of Mundella Primary School on 7 March 2017 and supersedes any previous Special Leave Policy and Procedure.

This policy / procedure will be reviewed regularly.

## 4 Responsibilities of the School / Headteacher

- To consider requests for leave in accordance with the provisions of this procedure.
- To comply with any statutory provisions that may apply in relation to special leave.
- To balance any requests for leave with the operational needs of the School; to ensure that granting an employee leave does not have a detrimental impact on the school; or cause undue disruption to other employees.

## 5 Responsibilities of the Employee

- To make any request for leave in accordance with the provisions and timescales set out in this procedure.
- To take leave only for the specific purpose for which it is requested.

## 6 Delegated Responsibility

The management of special leave may be delegated to staff other than the Headteacher. References to the role of the Headteacher in the policy and procedure include his / her nominee.

## 7 Monitoring of special leave

In order to manage special leave effectively the School will record, monitor, and review requests and leave granted, on an individual and whole School basis.

# Part B - Procedure

## 8 Emergency Time Off for Dependants

### Entitlement

The School has a statutory obligation to grant employees a reasonable period of unpaid time off work to deal with unforeseen or emergency situations involving a dependant who relies upon the Employee for assistance.

A dependant is defined as the employee's spouse, civil partner, child or parent, and any person who lives at the same house as the Employee (other than as a lodger, tenant, boarder or employee) or who would reasonably rely on the Employee for assistance or arrangements for care in the event of illness or injury. This may also include step children.

Circumstances, in which time off may be permitted include but are not limited to:

- Providing assistance if a dependant falls ill, is injured or assaulted or is unexpectedly taken into hospital
- Making arrangements for the care of a dependant who is ill or injured
- If a child is involved in a serious incident at the School or during school hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependant
- Taking action that is necessary in consequence of the death of a dependant.

Each case will be considered on its own merits. As a guide the time off should be sufficient to enable the Employee to deal with the immediate situation and make any necessary longer term arrangements. In most cases a day or two will be sufficient to deal with the immediate circumstances.

All such time off will be unpaid.

Time off for non dependants is not covered by this provision.

### Eligibility

All employees, regardless of their length of service, are entitled to request reasonable time off under this provision.

### Requesting Leave

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

The School recognises that it may not always be possible for the employee to notify the Headteacher of the need to take emergency time off in advance, however the employee should inform the Headteacher of the need to take time off as soon as reasonably practicable.

The employee should advise the Headteacher of the reason for the absence and how long they expect to be absent. Where an absence lasts more than one day the Employee should make contact with the Headteacher each day if other arrangements were not agreed on the first day of absence.

There is no limit to the number of occasions such time off will be granted – however the School will monitor absences and may address this with Employees where the number or duration of such absences are causing concern.

The Headteacher reserves the right to refuse time off where Employees could reasonably be expected make alternative arrangements or contingency plans for the situation in advance – e.g. to take a dependant to a pre planned non emergency appointment.

The decision of the Headteacher is final and there is no right of appeal.

## **9 Personal Leave (formerly Compassionate Leave)**

Personal or compassionate leave may be granted at the discretion of the Headteacher on behalf of the governing body to allow an employee to attend to urgent or unforeseen personal circumstances.

The school may need to undertake reasonable and sensitive enquiries into the situation when considering requests.

### **Entitlement**

Up to 10 working days (pro rata for part time staff) paid leave may be granted in any one academic year.

Entitlement is calculated on a pro rata basis for part time staff.

Additional unpaid personal / compassionate leave may be granted in exceptional circumstances.

Circumstances in which leave may be granted include:

- Death of a member of the employee's immediate family and attendance at the funeral.
- Injury or critical illness of an immediate family member.

Immediate family is defined as the employee's spouse, civil partner, partner, parent, child, step child, sibling, grandparent or in-law. Careful consideration will also be given to requests for time off relating to other people outside an employee's immediate family.

### **Eligibility**

All employees, regardless of their length of service are entitled to request compassionate leave.

### **Requesting Leave**

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

The School recognises that it may not always be possible for the Employee to notify the Headteacher of the need to take compassionate leave in advance. The Employee should inform the Headteacher of the need to take compassionate leave as soon as reasonably practicable. The Employee should advise the Headteacher of the reason for the absence and how long they will need to take leave and whether they are requesting paid or unpaid leave.

Requests will be viewed sympathetically and each case considered on its own merits.

The decision of the Headteacher is final and there is no right of appeal.

The outcome of the request and any arrangements for payment will be confirmed in writing by the School.

This provision is in addition to any statutory entitlement for emergency time off for dependents.

In certain circumstances it may be appropriate to grant a combination of Personal Leave and Emergency Time Off for Dependents.

## **10 Carers Leave**

### **Entitlement**

Employees with caring responsibilities may request up to 5 days (pro rata for part time staff) paid personal or compassionate leave each annual year specifically for this purpose. Leave may be granted at the discretion of the Headteacher on behalf of the governing body.

To assist Employees fulfilling their caring responsibilities, leave may be granted on an emergency or short term basis either in whole / half day blocks of time or hourly basis.

Circumstances in which Carers leave may be granted includes:

- Providing care to a relative after a planned operation
- Taking a relative to a hospital appointment.

Entitlement is calculated on a pro rata basis for part time staff.

### **Eligibility**

This provision applies to Employees on Kent Scheme terms and conditions.

To be eligible the employee should:

- Provide care or support to an ill / disabled or elderly partner, child, relative or friend on an ongoing basis.

### **Requesting Leave**

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

To ensure the School are fully aware of individual circumstances, an Employee should, wherever possible, discuss their anticipated caring needs in advance with their Headteacher and complete a carer's registration form.

The Employee should inform the Headteacher of the need to take carers leave as soon as reasonably practicable. The Employee should advise the Headteacher of the reason for the absence and how long they will need to take.

Requests will be viewed sympathetically and each case considered on its own merits.

The decision of the Headteacher is final and there is no right of appeal.

The outcome of the request and any arrangements for payment will be confirmed in writing by the School.

This provision is in addition to any statutory entitlement for emergency time off for dependents.

## 11 Parental Leave

Employees with parental responsibilities have a statutory entitlement to request parental leave specifically to take care of the welfare of their child.

### Entitlement

Qualifying employees may take up to a total of 18 weeks leave for in respect of each child.

This entitlement is calculated on a pro rata basis for part time employees.

All parental leave will be unpaid.

Leave may be taken in periods of no less than 1 week up to a maximum of 4 weeks in any 12 month period. Where a child is disabled periods of less than 1 week may be agreed.

Each 12 month period commences on the anniversary of the date an employee first became entitled to parental leave in respect of the child in question.

Both parents each have an entitlement to parental leave – however this cannot be transferred between parents.

### Eligibility

- To qualify for parental leave, employees must have completed at least one year's continuous service and
- Be the parent or adoptive parent of a child who is under 18 years of age.

The employee may be asked to complete an application / declaration form to formally confirm their eligibility for parental leave.

### Requesting Leave

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

Requests for parental leave should be made in writing to the Headteacher no later than 21 days before the intended start date. When requesting leave the Employee should specify the duration and intended return date.

To request parental leave immediately after the birth or adoption of a child employees should submit their application no later than 21 days before the beginning of the expected week of confinement or placement, or as soon as practicable if the child is born prematurely.

The School may ask the employee to evidence their relationship with the child for whom leave is requested by providing birth or adoption certificates, as appropriate.

The outcome of the request will be confirmed in writing by the Headteacher within 7 working days of the request being made.

The decision of the Headteacher is final and there is no right of appeal.

The School will keep a record of the amount of leave taken in order to maintain an accurate account of the Employee's entitlement.

## **Postponement of leave**

The School may ask an employee to postpone a period of parental leave if their absence would be detrimental to the operation of the School. Such a postponement may be extended by up to 6 months.

In instances where a request for leave is made immediately following the birth or adoption no postponement is permissible.

Where a request cannot be accepted – the School will discuss the reasons for this and suitable alternative dates with the employee. The School will notify the employee of the outcome in writing within 7 working days of the original request setting out the reasons why a postponement is necessary and suitable alternative dates.

## **Changing Employers**

Employees who change employers during the period in which they are eligible to take parental leave may transfer any unused leave to their new employer. Such leave may not be taken until the employee has been employed by the new employer for 12 months.

The School reserves the right to contact previous employers to verify the amount of unused entitlement an Employee has.

## **Conditions of employment during periods of parental leave**

During a period of parental leave – the employee will remain employed although pay will be suspended.

Where leave is for less than 4 weeks an employee will have the right to return to the same role as before.

## **12 Time Off for Religious Observance**

The School recognises that there may be occasions where employees may wish to request time off during their usual working hours for religious / cultural observance.

### **Entitlement**

Mundella Primary School will endeavour to grant reasonable time off in so far as practicable taking into account the needs of the school. The School reserves the right to decline requests where this would have a detrimental impact on the operation of the School or cause undue disruption to other staff.

All time off will be unpaid.

### **Eligibility**

All employees, regardless of their length of service, are entitled to request time off under this provision.

All employees, whatever their religion or belief, will be treated equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

Employees who are contracted on a term time only basis and who therefore have no entitlement to take annual leave should request unpaid leave should they wish to take time off for this purpose.

Support staff employees who are contracted on an all year round basis should request annual leave should they wish to take time off for this purpose. Priority consideration will be given to employee's requesting annual leave for the purpose of religious observance.

## **Requesting leave**

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

Requests for leave should be planned in advance giving sufficient notice for the School to assess the impact of granting leave. All requests should be made in writing to the Headteacher clearly stating the dates and reasons for requesting time off.

Requests will be considered sensitively and in accordance with the School's obligations under the Equality Act. The School will endeavour to grant reasonable time off in so far as is practicable and taking into account the needs of the school. The School reserves the right to decline requests where this would have a detrimental impact on the operation of the School or cause undue disruption to other staff.

The decision of the Headteacher is final and there is no right of appeal.

The outcome of the request will be confirmed in writing.

## **13 Jury Service**

Mundella Primary School will grant employees paid leave in order to undertake jury service.

### **Eligibility**

All employees, regardless of their length of service, are entitled to time off under this provision.

### **Notifying the School**

The employee should advise the Headteacher as soon as practicable that s/he has been called for jury service and provide a copy of the confirmation of jury service letter received from the court.

### **Period of leave granted**

In the first instance up to 10 days leave will be granted. The School will extend this in instances where the case continues beyond this period.

Should an employee not be required to attend court for any whole or part day they should notify the Headteacher. The School may require an employee to return to work for this period. This may vary depending on the circumstances.

If the employee's jury service ends before the expected 10-day period the employee will be expected to return to work.

### **Payment**

The time off for jury service will be paid at normal contractual pay. An employee will continue to receive their usual salary throughout their period of jury service, however a loss of earnings allowance payable by the court is offset against the Employee's normal salary.

The employee must provide the Headteacher with a Loss of Earnings Certificate obtained from the Court. The Headteacher will calculate the Employee's daily net rate of pay. The employee should present the Loss of Earning Certificate to the clerk of the court on their first day of jury service.

Following the completion of jury service the employee will receive a payment direct from the court together with a remittance advice. The remittance advice should be passed to the Headteacher to enable the amount paid by the court to be deducted from the employee's salary.

## 14 Time Off for Public Duties

The School will grant reasonable paid leave to employees for the specific purpose of undertaking certain public duties.

Such duties include:

- Magistrates / Justices of the Peace / Employment Tribunal panel member.
- Member of a Local Authority / Local Councillor or Members of any Committee or Sub-committee thereof.
- Member of certain public authorities – e.g. police, health or education authority, statutory tribunal or member of a prison board of visitors.
- School Governor.

Time off under these provisions should not exceed a total of 18 days in any 12 months.

### Eligibility

All employees, regardless of their length of service, are entitled to request time off under this provision.

### Requesting Leave

Employees should advise the Headteacher should they be a member of a public organisation who may be entitled to leave under this provision.

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

Requests for leave should be planned in advance giving sufficient notice for the School to assess the impact of granting leave. The Employee should advise the Headteacher in writing as soon as practicable of the dates and duration they wish to take leave for public duties. As a guide it is expected that not less than 5 working days' notice will be given of the request to take leave under this provision, although this requirement may be waived in exceptional circumstances.

Mundella Primary School will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the school. The School reserves the right to decline / postpone requests where the amount of time requested becomes excessive or in instances where granting time off would have a detrimental impact on the operation of the School or cause undue disruption to other staff.

Each request will be considered on its own merits.

The outcome of the request will be confirmed in writing.

The decision of the Headteacher is final and there is no right of appeal.

### Payment

Reasonable paid time off of up to 18 days in any 12 month period will be given for public duties.

## 15 Time off for Trade Union Duties

The School recognises that accredited Trade Union officials are entitled to reasonable time off with pay for the specific purpose of undertaking union duties.

Arrangements under this provision are set out in the School's Recognition and Facilities Agreement and Burgundy Book (for Teachers). A list of activities covered by these provisions is available in the Blue Book for Support Staff Trade Union Officials and the Burgundy Book for Teaching Staff Union Officials.

## **16 Reservists**

### **Eligibility**

Employees who are a reservist with the following organisations are entitled to request time off under this provision:

- Territorial Army
- Royal Navy Reserve
- Royal Auxillary Air Force
- Royal Marines Reserve.

### **Notifying the School**

The School requires that all new recruits who are already reservists or existing staff who become reservists inform the Headteacher as soon as possible that they are, or intend to become, reservists.

### **Time off for reservist training**

Employees should seek to undertake training activities at weekends or outside of the School term, where possible.

Should an Employee wish to request time off for training they should do so in writing to the Headteacher as soon as practically possible.

Where training takes place during the School term the School will grant Employees up to 2 weeks paid leave in any year.

### **Call up for Military Operations**

Should an Employee be called up they should advise the Headteacher as soon as practicable and present his/her mobilisation papers / letter from the MOD, outlining the date, and possible duration, of his/her mobilisation.

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

The school will only seek to apply for an exemption or deferral of the Employee's mobilisation in exceptional circumstances.

### **Payment**

It is not the School's policy to continue to pay a reservist while they are absent on military operations therefore the employee's salary will cease on their first day of absence. During this period the employee will receive payment directly from the MOD.

### **Rights on return**

An employee has the right to return to their former job within 6 months of demobilisation on terms and conditions which are no less favourable than had they not been absent.

## **Continuity of Service**

Continuity of employment is not affected by a period of mobilisation however the period that the employee was absent from work will not count towards continuous service entitlement.

The outcome of any request and any terms relating to the leave will be confirmed in writing.

## **17 Special Constables and Retained Fire-fighters**

The School will grant reasonable paid leave to employees for the specific purpose of undertaking duties associated with the above activities.

### **Eligibility**

All employees, regardless of their length of service, are entitled to request time off under this provision.

### **Requesting Leave**

Employees should advise the Headteacher should they be entitled to leave under this provision.

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

Requests for leave should be planned in advance giving sufficient notice for Mundella Primary School to assess the impact of granting leave. The School will endeavour to grant reasonable paid time off in so far as practicable taking into account the needs of the school.

The outcome of the request will usually be confirmed in writing by the Headteacher.

## **18 Requesting Time Off for Study / Training**

The School recognises the importance of staff development and that time away from the workplace may be required for the purpose of attending training or study.

### **Entitlement**

Employees may request time off specifically for the purpose of undertaking training or study leading to a job related qualification or to develop specific skills relevant to the job role.

### **Eligibility**

Employees with at least 26 weeks continuous service with Kent County Council (in the case of community / controlled Schools) or the School (in the case of voluntary aided or foundation Schools) are entitled to request time off for study.

Certain employees under the age of 18 have a statutory right to reasonable paid time off to study towards a relevant qualification.

### **Requesting Leave**

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

Any request for time off must be made in advance in writing in good time before the intended start date of the training / study programme. Employees should state the amount of study leave that will be required and the duration of the programme. Employees must evidence how the particular programme will be of relevance / benefit to them in their job role.

The Headteacher will meet with the employee to discuss the request. Each request will be considered on its own merits taking into consideration the benefits of granting leave to both the employee and the school. The School reserves the right to decline requests where this would have a detrimental impact on the operation of the School, cause undue disruption to other staff or where there is no tangible benefit to the School.

The outcome of the request and any terms relating to the time off will be confirmed in writing.

The decision of the Headteacher is final and there is no right of appeal.

### **Payment**

Any time off agreed under this provision will be unpaid. In exceptional circumstances and at the discretion of the Headteacher time off may be paid.

The School will also consider, in appropriate cases, paying course fees and other expenses related to training / study.

Should the School fund training or grant paid time off, the employee may be required to enter into a training agreement.

## **19 'Timeout' / Career Break**

The School may, at its discretion, allow employees to take a planned career break and return to the workplace afterwards. Breaks may be requested for a number of reasons including to:

- Pursue a personal interest or project
- Undertake voluntary work
- Undertake extensive overseas travel
- Spend more time with family.
- To undertake domestic / caring responsibilities.

### **Entitlement**

Employees may request between 2 months and 1 year unpaid leave from work .

No more than one career break will be granted during an individual's employment with Mundella Primary School.

### **Eligibility**

Employees employed on Kent Scheme Terms and Conditions, with at least 2 years continuous service with Kent County Council (in the case of community / controlled Schools) or the School (in the case of voluntary aided or foundation Schools) are eligible to request time off under this provision.

To qualify employees need to demonstrate:

- That they have a firm intention of returning to work by an agreed date

- Have a satisfactory performance and conduct record
- Possess skills which the School wishes to retain
- How they intend to use the time away from work.

### **Requesting Leave**

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

Any request for time off must be made in writing to the Headteacher no later than 3 months before they wish the break to start. Employees should state the reason for the request, length of the break requested and the anticipated start and return date.

The Headteacher will meet with the employee to discuss the request. Each request will be considered on its own merits taking into consideration the benefits of granting leave to both the Employee and the school. The School reserves the right to decline requests where this would have a detrimental impact on the operation of the School, cause undue disruption to other staff or where it is not possible to cover the employee's role.

The outcome of the request and any terms relating to the career break will be confirmed in writing. Where a request is declined the reasons for this will be stated.

The decision of the Headteacher is final and there is no right of appeal.

### **Payment**

All career breaks are unpaid. If the employee is a member of the LGPS, pension contributions must be paid for the first 30 days of absence – after which the employee may decide whether they wish to pay contributions for the remainder of the absence.

### **Terms Relating to Career Breaks**

The full terms relating to the scheme are set out in the Blue Book and accompanying guidance.

## **20 Time off in relation to legal proceedings**

The school will allow reasonable time off in relation to legal proceedings not related to work matters.

All employees regardless of their length of service are entitled to request time off for this purpose.

Such time off will usually be unpaid.

The Employee should advise the Headteacher in writing as soon as practicable of the dates and duration if they wish to take leave for this purpose. The employee may be required to provide evidence of the dates / duration they will be required to attend court.

Please note this provision is separate to any requirement to attend legal proceedings on behalf of the employer in a work related capacity.

## **21 Adverse Weather Conditions**

Employees have a contractual duty to report to work and should make every reasonable effort to attend work in adverse weather conditions even if their arrival is delayed. However the Headteacher will have due regard to the health and safety of Employees and may use their discretion in making appropriate alternative arrangements according to local conditions.

In instances where the Headteacher determines that the school should close - all employees will continue to receive full pay. However Employees may be expected to undertake reasonable alternative duties including working from home or attending another site.

Paid absence in other circumstances is entirely at the discretion of the Headteacher and will only be granted with the prior approval of the Headteacher. Paid leave should only be considered once all other reasonable options - including working from home or / at another site / making up lost time / taking annual leave / have been considered.

## **22 Unpaid leave**

The School will exceptionally grant unpaid leave for reasons others than those specified in this procedure.

Requests for such leave should be made in writing to the Headteacher. Each request will be considered on its own merits, balanced against the operational needs of the School and granted at the discretion of the Headteacher.

The outcome of any request and any terms relating to the leave will be confirmed in writing.

The decision of the Headteacher is final and there is no right of appeal.

## **23 Suspected Abuse of Special Leave Provisions**

It is expected that employees' will only request and take leave specifically for the purpose stated.

Where it is suspected that a fraudulent request had been made or leave not used for the stated purpose, the School may, after appropriate investigation address the matter through its disciplinary procedure.

## **24 Unauthorised Absence**

Where an employee fails to adhere to the notification requirements set out in this procedure or takes leave where it has previously been refused by the Headteacher, any absence may be regarded as unauthorised and, after appropriate investigation, be addressed via the School's Disciplinary Procedure.

Should a request for special leave be declined and the employee subsequently takes unauthorised leave – this will be addressed via the School's Disciplinary Procedure.

## **25 Disputes**

The decision of the Headteacher is final and there is no right of appeal.

Employees should discuss the reasons for any refused leave requests informally with the Headteacher.

Disputes regarding the application of special leave provisions should be addressed via the School's Grievance Procedure.

## **26 Record Keeping**

Notes may be taken of all discussions and formal / informal meetings held with employees relating to a request to take special leave. Where notes are taken a copy will be made available to the employee.

The employee may be asked to complete a leave request form when applying for leave under the provisions of this document. Records will be kept of leave taken for monitoring purposes.

# Appendix 1: Special Leave Request Form

Employee Name:

Job Title:

Department:

<b>Date Leave Requested</b>	From	To
<b>Total Number of Days Requested</b>	Days	

Reason	Please tick
Emergency Time Off for Dependents	
Personal (Compassionate) Leave	
Parental Leave	
Time Off for Religious Observance	
Jury Service	
Time Off For Trade Union Duties	
Reservist	
Special Constable	
Retained Fire Fighter	
Study / Training	
Career Break	
Other (please specify)	

Please provide further details of your reason(s) for requesting leave:

Is this time off requested as: PAID / UNPAID

Signed:

Date Request Submitted:

Authorisation					
<b>Request Approved By Headteacher:</b>	YES / NO	<b>Days paid:</b>		<b>Signed:</b>	
<b>Leave agreed as:</b>	PAID / UNPAID	<b>Days unpaid:</b>		<b>Date:</b>	

Total Number of days taken for this purpose in current year: