

**EMLC
Academy
Trust**

**DRAFT
Special Leave
Policy
2016/18**

'Every child deserves to be the best they can be'

Scope: EMLC Academy Trust & Academies within the Trust	
Version: V3 – 16/3/16	Filename: EMLC Academy Trust Special Leave Policy
Approval: This policy was ratified by the EMLC Academy Trust on: xxxx	Next Review: <i>This policy will be reviewed every 2 years by the Development, Safeguarding and Wellbeing Group and the Strategic Board.</i>
Owner: EMLC Academy Trust Strategic Board	Union Status: NJCNC Agreed

Policy type:	
Non-statutory	Replaces Academy's current policy

SPECIAL LEAVE POLICY

1. Introduction

This policy applies to all academy staff directly employed by EMLC Academy Trust. The policy is aimed at supporting staff and enabling managers to manage absence from work unrelated to sickness, which is covered by the Staff Absence Policy.

2. General principles

Requests to take annual leave in term time will not normally be considered. It is expected that annual leave for staff employed throughout the year will normally be taken during the school holidays. Holiday arrangements should not be made until the dates have been approved by the Principal. There may be circumstances where holidays in term time can be granted, provided it does not affect operational efficiency.

Requests for leave of absence from staff who are employed on a term time only basis will only be approved in accordance with the guidance provided within this document.

Principals will have responsibility for approving/declining all requests but should consider seeking advice from the governing body and/or EMLC Academy Trust, particularly with regard to setting a Trust-wide precedent.

Principals must make decisions about requests for leave in accordance with this policy and in the context of the operational requirements of the academy.

All requests for leave require as much notice as possible in order that full consideration can be given.

3. Definitions

'Close relatives' or 'immediate family' are defined as spouse, partner, children, parents, grandparents, sister/brother, parents-in-law and those of partner or nominated next of kin. This also includes step children, foster and adopted children/parents. Consideration will be given to other individuals not mentioned above on a case-by-case basis.

A 'year' refers to a 12 month period between 1 September - 31 August.

4. Special Leave provision for academy staff

There are a number of provisions available for employees to use in circumstances where they may have urgent and unforeseen needs to take time off outside academy holidays.

In all cases requests for special leave should be made in writing to the Principal (Appendix A); in cases of an emergency all forms should be completed retrospectively.

When considering special leave the following guidelines apply:

- The granting of special leave is not an automatic entitlement.
- Any decisions on requests for special leave will take account of both the academy's requirements and the employee's own needs.
- Each case will be considered on an individual basis and in some circumstances the operational needs of the academy will be the determining factor when decisions are made.
- It is recognised that there will be occasions when employees require time off either with or without pay, and the provisions contained within this policy aims to meet these requirements. Principals will not normally refuse reasonable requests made under this policy.
- Any requests for leave with pay which are not covered in this policy (where the Principal is sympathetic towards the request) will be considered by the Principal in consultation with EMLC Academy Trust.
- It is a requirement that, when any time off is requested, the employee must give the Principal as much notice of such requests as is possible. The request must be in writing (Appendix A).
- 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.
- Where the Principal considers that a request is unreasonable it will be refused – in such circumstances the employee will be given the reason(s) for the decision.
- Overall attendance records will also be considered.
- If an employee considers that the Principal has acted unreasonably not allowing leave, with or without pay, to be granted or, where the time allowed has not been considered to be sufficient, they may raise the matter in writing with the academy's governing body. The governing body will review all the circumstances and determine the appropriate action.

5. Leave of Absence for Head Teachers

Principals who wish to apply for leave of absence for any of the purposes outlined in this policy shall apply to the chair of the academy's governing body as far in advance as possible and, where possible and reasonable, not less than 48 hours before the commencement of the proposed period of leave. EMLC Academy Trust must be informed of any such requests.

6. Categories for Special Leave

Category A – Any dependant person, plus partners, children, parents of employee or legal guardian.

Category B – As above plus great/grandparents including partner's grandparents, partner's parents, employee siblings.

Category C – All others.

Dependant – this refers to family members for whom the member of staff is the primary carer.

7. Special Leave Entitlements

a. Medical Appointments

Dentist/Doctor	Outside of academy hours when possible. If not, paid leave will be granted on production of an appointment card/letter.
Hospital appointments and medical screening	Outside of academy hours when possible. If not, paid leave will be granted on production of an appointment card/letter.
Organ/Bone Marrow Donors	Up to 4 weeks paid leave on production of supporting medical documentation.
Treatment in relation to infertility (IVF)	Up to 5 days paid leave on production of an appointment card/letter. Unpaid leave may be considered for extended periods.
Accompanying relative to hospital appointment	Category A only - paid leave on production of an appointment card/letter.

All non-elective hospitalisation/dental treatment should be treated as sickness. Medical certificates should be provided in accordance with the normal sickness procedure.

b. Bereavement and Dependent Care

Bereavement - Death of a relative	<p>Category A – paid leave from date of death up to and including one day following the funeral.</p> <p>Category B – Up to 2 days paid leave, including day of funeral.</p> <p>Category C – unpaid.</p>
Unexpected incident involving a child of the employee which occurs in a period during which an educational establishment which the child attends is responsible for him/her	Category A – 1 day paid leave.
Member of immediate family falls ill	Category A - Up to 3 days paid leave.

Dependant Care Duties	Up to a maximum of 3 days paid leave if dependant is ill.
Other very urgent and special personal reasons which could not reasonably have been foreseen	Up to 3 days paid leave.
Breakdown of dependant care cover.	Up to a maximum of 2 working days paid if carer of dependant is incapacitated.
Mandatory appointments for dependants review meetings, e.g. SEN review; Fostering/LAC	If meetings cannot be arranged in own time, paid leave on production of letter confirming appointment arrangements.

c. Religious Observances

Attendance at a religious ceremony where the employee's religion requires it unavoidably	Up to 2 days paid leave per year; additional reasonable unpaid days.
Hajj* * This request needs long term planning and a great deal of consideration will be required.	2 days paid leave may be granted; the rest of the absence would be unpaid.

d. Household

Moving House	1 day paid leave; consideration should be given to additional paid leave for new staff relocating over a long distance.
Weddings	Category A – up to 2 days paid leave. All others - unpaid leave, only at discretion of Governing Body. (Unavoidable travelling time in excess of this will be considered without pay.)
Household Emergency e.g. fire, flood, burglary	1 day paid leave, extended at discretion of Principal.
Overstaying/delayed returns	Unpaid leave if the circumstances are not covered by any other policy.

e. Courts and Tribunals

Jury service	Leave with pay, subject to signed confirmation to reimburse school for the loss of earnings allowance paid by court.
Witness at Court	Leave with pay, subject to agreement to reimburse compensation for loss of earning.
Court attendance as defendant or plaintiff	Leave with pay when representing the employer. Unpaid if not representing school

	council or employer.
Justice of the Peace or Magistrate	Leave with pay – up to maximum of 18 working days or 36 half working days.
Member of any statutory tribunal (e.g. an employment tribunal) or boards of prison visitors	Leave with pay for up to 25 days subject to reimbursement of fee to employer.
Member of health authority or primary care trust	Up to 10 working days paid leave.

f. Councillors and MPs

Local Councillor	Leave with pay, however where an allowance is claimable for loss of earnings, the employee must claim and pay the allowance to the Trust.
Candidate for Council Elections	Up to 5 working days paid leave (includes polling day) and 5 working days unpaid in 8 week rolling period.
Candidate for parliamentary election	Up to 5 working days paid leave and 5 working days unpaid (includes polling day) in 8 week rolling period.
Poll Clerk or presiding officer or other electoral role	Unpaid leave.

g. Examinations

Chief examiner or chief moderator	Max. of 15 days in academic year (Burgundy Book). Reimbursement to employer from Examination board for work carried out in academy time, where available.
Assistant examiner or assistant moderator	Max. of 12 days in academic year (Burgundy Book). Reimbursement to employer from Examination board for work carried out in academy time, where available.
Members of Examination board committees, subject panels and regional or national organisations	Maximum of 5 days paid leave in academic year. Reimbursement to employer from Examination board for work carried out in academy time, where available.
Meetings in relation to exams offered in own academy	Maximum of 5 days paid leave in academic year.
Exam and exam study leave	Paid leave for exam time and equivalent time for study leave (e.g. ½ day if exam is ½ day) for exam which enhance an employee's role specific to their professional development.

h. Education

Governing Body meetings during working time	Up to 5 working days leave with pay.
Participation in Educational broadcasts or lectures	Subject to requirements of academy, max. of 5 days paid leave in academic year.
Degree Ceremonies, prize distribution etc.	Up to 1 day paid leave for awards granted to Category A. (Unavoidable travelling time in excess of this will be considered without pay.)

i. Job Interviews

Interview attendance for posts within employer	Leave with pay.
Interview attendance for posts within education	Leave with pay.
Interview for approved college course or other form of study	Leave with pay.
Interview for any other posts	Unpaid leave.

Where interview related absence becomes a recurrent feature and the balance of service delivery is affected EMLC Academy Trust reserve the right to grant leave without pay.

j. Sporting Events, etc.

Representing country or county e.g. sporting event	Reasonable time off including travelling time - paid leave; additional time will be unpaid.
Accompanying relative representing country or county e.g. sporting event	Category A – unpaid leave.

k. Armed Forces

Volunteers for non-regular forces	2 working weeks, of which 1 week paid, subject to exigencies of the academy.
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l. Other

Maternity leave	See Maternity Leave Policy.
Paternity leave	See Maternity Leave Policy.
Trade Union officials	In accordance with statutory entitlements and local agreements in force on facilities time.

Where an allowance is claimable for loss of earnings the employee must claim and pay the allowance to EMLC Academy Trust.

m. Severe Weather Conditions

If a decision has been made that the academy is closed to pupils due to severe weather conditions the Principal needs to decide if staff are required to attend. Where staff have been informed that they are not required to attend they should be paid normal salary. This decision should only be taken in exceptional circumstances and may only be taken by the Principal; the Chief Executive of EMLC Academy Trust must be informed of the Principal's decision.

If the academy is open the Principal should determine if that member of staff has made reasonable attempts to get to the academy. If a reasonable attempt to attend has been made then the absence should be with pay. The extent to which most means of transportation cease or are seriously disrupted will need to be taken into account, including advice given by local authorities/police as to whether journeys should be attempted.

If weather conditions are not severe and staff do not turn up the Principal may ask those staff to make up the time, or alternatively the period will be without pay.

The Principal is entitled to direct employees to complete specific tasks on academy closure days.

Staff who arrive late and who remain at the academy until the end of the day should not suffer loss of pay. If the academy releases staff early they should not suffer loss of pay. If the member of staff will be absent or late they must make every effort to telephone the academy to report the circumstances.

8. Appeals Against Decisions Not To Grant Leave of Absence

An appeal against refusal of leave of absence, whether by the principal or the appropriate committee of the governing body, may be made to the appeals committee of the governing body and should be submitted in writing to the clerk to the governing body.

The clerk will advise the employee of the procedure for the appeal hearing, remind the employee of the employee's rights at the hearing, including the right to be accompanied by their union representative or a friend of his or her choice and the action which the appeal committee may take. The clerk should arrange the hearing as soon as possible and the employee should be given reasonable notice of the date, time and place of the appeal hearing. The appeal committee may dismiss the appeal, uphold the appeal or modify the action taken by the principal, appropriate committee or chair of the governing body (as the case may be). The appeal committee may announce its decision to the employee in person or subsequently in writing as it may determine. An oral announcement shall be confirmed in writing by the clerk to the governing body within ten working days of the hearing.

Appendix A – Request for Leave of Absence

Name:					
Place of work and job title:					
Details of request					
Date required from:		Date required to:		Total number of working days:	
<i>If the time required is less than one day, please state the number of hours required and the time period you will be away from the academy</i>					
Number of hours required:		Time away from the academy:			
Leave category					
Please place a cross in one box and complete details as appropriate					
Medical appointment			Bereavement/Dependant care		
Religious Observance			Household		
Courts and Tribunals			Councillors and MPs		
Examination			Education		
Job Interview			Sporting Event etc.		
Armed Forces			Other		
Reason for request:					

Date:	
Signature:	

Outcome of request		
Principal's recommendation: Approved/Not Approved – reasons given		
Amount of leave already taken in this academy year:		
Authorisation of number of paid and/or unpaid days:	Number of days paid:	
	Number of days unpaid:	
Date:		
Signature:		

*A completed copy of this record needs to be returned to the member of staff making the request and a copy needs to be kept on the members of staff's personnel file.

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