

July 2019



Staff Special Leave Policy

Approved By: The Trust Board

Date Approved: 16/07/19

Adopted by Trust Board on: 01/09/19

Review Frequency: Three years

Horncastle Education Trust is committed to maintaining and promoting the health and well-being of all its employees.

Rationale:

This policy sets out the fair and consistent framework that we will use to support staff when they need time off for emergency or domestic circumstances.

The Trust will always take a supportive approach whilst attempting to achieve a balance between the needs of the individual member of staff and the needs of the school and its students.

The Trust recognises that our success school depends upon the contribution of all staff and fully acknowledges that a fair and effective policy on Leave of Absence contributes to the maintenance of staff morale.

This Leave of Absence Policy will assist the CEO, Headteachers and the Governing Body of the school in making decisions about requests for leave in accordance with legal, contractual and moral obligations.

This policy covers annual leave, family leave and miscellaneous leave. The policy applies to all employees of the Trust, including the CEO and the Headteachers.

Any Leave applications from the CEO must be approved by the Chair of the Trust

This policy lays out the procedures that will ensure that:

- All employees are treated fairly, consistently and sensitively at all times
- All staff absences are recorded
- Each Trust School is able to effectively manage such applications
- All employees understand how to make a request for a Leave of Absence

1. Special Leave of Absence:

Entitlements for certain types of leave such as maternity, are covered by statutory obligations whilst other forms of leave are discretionary. In all circumstances, requests for leave will be considered sympathetically and be subject to the demands of the Trust and of an individual's circumstances. A leave of absence request for absence other than for illness needs to be made in writing to the Headteacher and can be both paid and unpaid leave.

2. Roles and Responsibilities:

- 2.1. **The Headteacher** should follow the systems put in place by Horncastle Education Trust to record any employee request for special leave and to monitor levels of absence
- 2.2. Each Trust school should have an identified staff member who manages the day to day absence of staff, coordinates the cover needs of classes affected and liaises with Director of Finance / School Business Manager / School Administrator. They are also responsible for providing regular reports for the Headteacher in relation to staff absence.
- 2.3. The Headteacher will liaise with the CEO over requests for Leave of Absence and when consideration is being given as to whether to medically suspend an employee.
- 2.4. The **Central Finance Team Manager** will be notified by the CEO when a Leave of Absence has been granted and whether it is to be paid or unpaid leave and will make the necessary adjustment to salary. The Central Finance Team Manager collates staff absence management data for individual trust schools as part of the Core Data Set in the Trustee Data Dashboard report.

3. Applications for Special Leave:

- 3.1. Time off to **accompany dependants** is not classed as sickness absence and permission needs to be sought from the Headteacher as a Special Leave of Absence request. The Headteacher, in consultation with the CEO, will determine whether such leave is paid or unpaid.
- 3.2. Time off for **cosmetic surgery** does not form part of the school's sickness absence policy. The exception to this is when a GP has stated that an employee is medically unfit to work.
- 3.3. Permission to have time off to undergo **IVF treatment** would need to be sought from the Headteacher.
- 3.4. An employee can have up to two days unpaid level to attend **antenatal appointments** with their partner. Evidence of a partner's antenatal appointment needs to be included with a written request to take unpaid leave for this purpose. Requests should be made in writing to the employee's Headteacher.
- 3.5. Requests for time off for other circumstances not covered by this policy should be made in writing to the Headteacher. The Headteacher, in conjunction with the CEO, will determine whether such leave is paid or unpaid.

3.6. The Trust recognises that circumstances and the nature of relationships vary. Rather than being prescriptive on the situations under which compassionate leave is available, each case should be assessed individually and should take into consideration the following factors to determine whether a request is granted:

- The seriousness of the situation;
- The age of the person;
- The extent to which the person can cope on their own;
- The nature and extent of any illness;
- The availability of others to look after the person;
- The relationship between the person and the employee.

3.7 Compassionate leave will not be granted to deal with predictable domestic arrangements.

4. Occupational Health Appointments:

It is expected that employees who are absent from work due to ill health are available to attend any Occupational Health appointments made for them as required.

5. Moving House: Employees are entitled to request up to one day's paid leave in a 12 month period in order to move house.

6. Leave for a domestic emergency:

6.1 Leave for a domestic emergency is designed to assist employees where the emergencies are unrelated to dependents.

6.2 The Headteacher has delegated authority to grant up to one day of paid leave per emergency recorded.

Examples of an emergency include:

- A road accident or other similar accident involving the employee;
- The breakdown or theft of the employee's car;
- A burglary at the employee's home or a violent crime involving the employee;
- A domestic crisis which needs the employee's presence to resolve.

This list is not exhaustive.

6.3 In determining whether a request for leave should be granted, the following factors should be taken into consideration:

- The nature and extent of the emergency;
- The availability of others to deal with the emergency;
- The likely impact of the emergency on the employee.

6.4 This leave is intended to cover genuine emergencies. If an employee knows in advance that they are going to need time off for a domestic issue (for example in the case of delivery of goods to the employee's home) they should request a leave of absence using the normal school procedures.

7. Bereavement leave:

7.1 Employees are entitled to bereavement leave with pay. The length of the leave is at the discretion of the Headteacher.

7.2 The school recognises that circumstances, the nature of relationships and the requirements of different religions vary.

7.3 Therefore rather than being prescriptive on absolute periods of leave in other cases, there is a need to assess each case individually. Each case should be assessed depending on its own particular circumstances.

7.4 Employees who need only to attend the funeral of a relative or close friend will normally be granted reasonable time off with pay. In most instances this will be a period of up to one day. However, if the employee has to travel a long distance to attend the funeral then depending on circumstances additional time off to allow for travelling may be granted.

7.5 A close relative or dependent is defined as: own child, next-of-kin or nominated next-of-kin, spouse/partner/civil partner, parent, grandparent or grandchild, brother or sister and parent of spouse/partner/civil partner. Under normal circumstances up to five days paid leave in any 12 month period can be granted following the death of a close family member. Where more than 5 days is required, the Headteacher will refer the request to the CEO.

8. Leave for Public duties:

8.1 In the case of public duties such as Jury Service or attendance at Court, the employee needs to report their summons to serve on a Jury or if they are required to attend court as a witness or following a subpoena as soon as possible to their Headteacher. Military Reservists are required to inform their employer that they are a member of the Reserve Forces and wherever possible they should arrange attendance at training events like the annual camp during school holiday periods.

9. Recording leave: Any leave taken must be recorded on the employee's staff record.

10. Refusal of leave:

9.1 Employees who feel that they have been unreasonably refused the right to compassionate, domestic emergency or bereavement leave or who feel that they have been victimised for requesting leave should, in the first instance, raise the matter with the Headteacher. They can also consult with their union and have the right to raise the matter through the grievance procedure.