



Special Leave - All Academy Staff

The following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff have agreed this Policy and Guidelines:

- National Education Union
- National Association of Schoolmasters Union of Women Teachers
- National Association of Headteachers
- Unison
- GMB
- Voice

The following professional Trade Unions were consulted:

- Association of School and College Leaders
- Unite

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If you would like help to understand this document, please contact HR Services.

In terms of employment legislation, the procedure is for guidance only and does not form part of an employee's contractual rights. The contents may be subject to revision from time to time

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POLICY CONTENTS

1	INTRODUCTION	Page 3
2	AIM OF THE POLICY	Page 3
3	SCOPE	Page 4
4	DEFINITIONS	Page 4
5	RESPONSIBILITIES	Page 5
6	SPECIAL LEAVE REQUEST PROCEDURES	Page 5
7	RELATED POLICIES	Page 6
8	POLICY INFORMATION	Page 6
	SPECIAL LEAVE ALLOWANCE GUIDANCE	Appendix A

1.0 INTRODUCTION

- 1.1. As a good employer, the purpose of this policy is to provide clear, consistent and fair special leave procedures that enable the Trust ('Trust') to meet its responsibilities.
- 1.2. Academy employees are paid on the basis of satisfactory attendance and performance. While it's recognised that most employees may occasionally require time away from work, any absence will cause operational difficulties, undermine quality and efficiency, and increase costs.
- 1.3. The Disciplinary Procedure may be evoked for abuse of the Special Leave Policy and it is suspected that a request is not genuine.
- 1.4. "Special Leave" is defined as a request to take time away from carrying out the duties and responsibilities which the employee is contractually obliged to do. This policy and procedure therefore gives guidance for Headteachers and managers to fairly and consistently process these requests. This policy is not to be used to manage sickness of an employee, please refer to the Managing Attendance policy.
- 1.5. **This policy does not form a contractual right, all leave is an allowance, and not an entitlement.**
- 1.6. In the event that special leave is declined, and an employee proceeds to take the leave, then disciplinary action will be considered.

2.0 AIMS OF THE POLICY

- 2.1 The aims of this policy is to encourage and assist all employees to achieve and maintain high standards of attendance at work by:
 - 2.1.1 Providing a safe and healthy working environment and where possible, enhance the health and well-being of employees.
 - 2.1.2 Ensuring all employees understand their obligations and entitlements with regards to special leave.
 - 2.1.3 To equip all Headteachers and managers to deal with Special Leave more effectively through the foundation of clear procedures and guidelines on how to manage requests within an academy.

3.0 SCOPE

- 3.1 This policy and procedure applies to all academy based employees of the Trust. Those employed through the Central Trust team should refer to the Special Leave – Central Team policy
- 3.2 Any request for time away from work that is not stipulated in this policy will be managed through this policy and procedure.
- 3.3 This policy and procedure does not apply in respect of staff who are employed on a casual basis, i.e. supply teachers.

4.0 DEFINITIONS

- 4.1 The meaning of some key words and phrases, for the purposes of this policy are explained below:
- 4.2 **The Diocese of Hereford Multi-Academy Trust** will be referred to hereafter as the Trust.
- 4.3 **Work Colleague.** A current academy based employee.
- 4.4 **Headteacher.** The person responsible for leading and managing the academy, and has delegated powers to ensure all performance issues are appropriately managed. References to the Headteacher shall include any nominated Deputy Headteacher / line manager acting on his/her behalf.
- 4.5 **Panel of Local Academy Board members.** A panel of three Local Academy Board members, who are used for any potential hearing, and any appeal hearing.
- 4.6 **Trade Union representative.** Lay or permanent official of the trade union to which the employee belongs, who has been reasonably certified, in writing, by their union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings.
- 4.7 **Working days.** Any designated term-time or Teacher Education Training Day, or any other contractual working day.
- 4.8 **Close Relative.** Deemed as parent, sibling, spouse or partner, child, mother-in-law, father-in-law, grandparent or grandchild. Consideration should be made as to the impact a family member may have on the employee's life.

5.0 RESPONSIBILITIES

- 5.1 **Headteachers** are responsible for ensuring that their employees understand the standards of attendance that are expected of them, and the procedures for requesting leave correctly. They are responsible for keeping accurate records in relation to special leave and monitoring their employees' levels of absence. They must ensure leave requests are dealt with in a fair, consistent and confidentially transparent manner. The Headteacher may seek the advice from a member of the Trust Central team, for a decision to grant any other leave request that is not listed in this policy.
- 5.2 Employees are responsible for familiarising themselves with the rules concerning special leave, maintaining acceptable levels of attendance, and for asking their Headteacher if they are unclear about what is expected of them. Failure to follow these procedures without good reason is likely to result in disciplinary action and will be considered as unauthorised absence. Unauthorised absence may result in the suspension of pay. The employee must provide notice of leave by completing the relevant form prior to the leave required and ensuring the Headteacher is made aware of a request for leave as soon as reasonably possible
- 5.3 **Headteachers and employees** are all responsible for acting respectfully toward each other in relation to the implementation of these procedures and to operate them effectively. All parties should have due regard for maintaining confidentiality and, if in doubt, should seek advice on this from HR.
- 5.4 **The Local Academy Board** is responsible for ensuring that the procedure is applied consistently and fairly, and be mindful that this is a Trust wide policy and decisions must be consistent across all Trust schools.
- 5.5 **Local Academy Board members** are responsible for conducting themselves in an appropriate manner and should have due regard for maintaining confidentiality.
- 5.6 **HR** is responsible for providing timely and appropriate advice and support as required to Headteachers and Local Academy Boards throughout this procedure. They are not responsible for decisions in relation to cases. These issues remain the responsibility of the Headteacher or the Local Academy Board, as appropriate.

6.0 SPECIAL LEAVE REQUEST PROCEDURE – REFER TO APPENDIX A

- 6.1 All leave requests should be submitted to the Headteacher on a DHMAT/MA2 – Special Leave Request, allowing at least one weeks' notice of the requested leave being taken.
- 6.2 For 'other' leave not listed in this policy, a DHMAT/MA2 – Special Leave Request should be fully completed by the employee and passed to the Headteacher allowing

two weeks' notice. This should include an explanation for the leave request. Where a line manager receives the request, they should pass their decision to the Headteacher. The Headteacher may wish to discuss the application with the relevant committee of Local Academy Board members or Trust, before reaching a decision.

- 6.3 When considering applications for 'other' leave not listed in this policy (or discretionary additional leave to types of special leave permissible under this policy) consideration will be given on a case by case basis. Factors to be considered include:
 - 6.3.1 Consistency of approach, both at academy level, and Trust wide.
 - 6.3.2 Personal circumstances of the employee
 - 6.3.3 Special Leave already taken by that employee in the current academic year and whether this was granted or refused
 - 6.3.4 Burden of additional costs;
 - 6.3.5 Detrimental effect on ability to meet stakeholder demand;
 - 6.3.6 Inability to re-organise work among existing staff;
 - 6.3.7 Detrimental impact on quality and/or performance.
- 6.4 Once a decision is made to a request for leave, the Headteacher must complete the Headteacher section of the Request form to notify the employee of the decision. This includes whether the request is granted and whether the leave will be with or without pay. The Headteacher's decision is final.
- 6.5 In the event of emergency leave, where prior notification is not possible, the employee is required to contact their Headteacher in accordance with the academy's agreed procedures for reporting sickness absence to their Headteacher or Line Manager. This should be as soon as is reasonably possible but not usually any later than one hour before their expected start time. The DHMAT/MA2 – Special leave request should then be completed on return to work.
- 6.6 If no contact has reasonably been made, the Headteacher has the discretion to make a deduction to salary for the unauthorised leave.

7.0 RELATED POLICIES

- 7.1 Managing Attendance
- 7.2 Equality Policy
- 7.2 Equality Information and Objectives Policy

8. POLICY INFORMATION

8.1. VERSION CONTROL

Version	Date	Revision
1.0	January 2017	Production of a policy to apply across all existing Trust academies and to new academies on conversion.
1.0	September 2017	Approved in principle by Board of Directors
1.0	April 2018	Ratified by Unions following consultation
1.0	September 2019	Rebrand Trust name change to policy and request form
1.0	January 2020	Local Governing Body amended to Local Academy Board
1.0	January 2020	Governors amended to Local Academy Board members
1.1	October 2020	Approved DHMAT

8.2. FEEDBACK

- 8.2.1 Comments and suggestions regarding this policy should be addressed to:
Samantha John, Operations Manager

8.3. AUTHORISATION

- 8.3.1 Board of Directors of the Trust
- 8.3.2 Ratified by Unions

8.4 REVIEW

- 8.4.1 This policy will be reviewed in 3 years unless there are any legislative changes.

Appendix A

Special Leave Request Procedure

LEAVE	DEFINITION OF LEAVE	CONDITIONS OF LEAVE	PAID	UNPAID
SL001 Death of close relative	Close Relative: Parent, Sibling, Spouse or Partner, Child, Mother-in-law, Father-in-law, Grandparent or Grandchild	Time allowed is per relative. If the death results in an inquest reasonable time off will be allowed.	Up to 5 working days, including day of funeral.	Additional leave up to 1 month may be granted.
SL002 Serious illness of dependent or close relative	Serious Illness is defined as a sudden injury, impairment or diagnosed condition that has significant impact on the individual affected. (.i.e. hospitalisation due to a car accident, stroke, meningitis or heart attack)	Time allowed is per school year. Due to the nature of the leave it is expected that the 5 days will be taken as consecutive working days. This leave is not to be used for adhoc minor illnesses for a dependent. (Please see Emergency leave)	Up to 5 working days	Additional compassionate leave up to 1 month may be granted
SL003 Emergency Leave	To cover unexpected minor illnesses of a dependent that prevents the dependent from attending their normal activity. (Cold, flu, chickenpox, and viruses (not an exhaustive list)). To cover in the event a dependents normal activity is closed unexpectedly. (i.e. snow closure). To cover in the event of a genuine emergency such as a car breakdown or house flood.	Time allowed is per school year. This leave is to be used in the event a child is ill and unable to attend nursery or school and in the event of any other emergency such as a car breakdown or burst pipe at home. There is an expectation that the employee will do their utmost to find alternative arrangements in relation to care of dependents in the event of an emergency and/or unexpected illness.	Up to 2 days.	An additional 1.5 days may be granted
SL004 Funeral of friend or colleague		If significant travel is required, this is to be discussed with the Headteacher. In the event of a funeral for a colleague, it is the Headteacher’s discretion to allow time off.	Up to 1/2 a day (1 day if significant travelling involved.)	

LEAVE	DEFINITION OF LEAVE	CONDITIONS OF LEAVE	PAID	UNPAID
SL005 Appointment Attendance	Hospital, Doctor, Dentist, Supporting an appointment with dependent relative.	Time allowed is per school year In all circumstances, every effort should be made to make appointments outside normal working hours. Proof of appointment should be produced on all occasions. Any period of rest required after a hospital appointment should be taken unpaid or covered with a fit note. In the event of fertility treatment there is an allowance for additional paid time off where required.	Up to 3 occasions	Additional time may be granted at school's discretion.
SL006 Public Duties	Magistrate, Justice of the Peace, School Governor. Member of a: Local Authority, Health Authority or Trust, Statutory Tribunal. Retained Firefighter or Special Constable	Time allowed is per school year The 18 days could be taken across 36 half days i.e. morning or afternoon sessions. Armed forces reservists, please contact HR.	Up to a maximum of 18 days	
SL007 Election Duties	Presiding Officer, Poll Clerk, Counting Assistant, in either Council, Parliamentary, European or Police Commissioner Elections.	Schools may choose to refuse employees requesting time off to attend election duties if this will be detrimental to service delivery. If agreed, time off is allowed with pay by the school in addition to the payment made by the council. However, If the election falls outside of the employee's normal working hours the employee will not receive additional pay by the school.	Up to 1 working day.	

LEAVE	DEFINITION OF LEAVE	CONDITIONS OF LEAVE	PAID	UNPAID
SL008 Examinations	<p>Examinations related to the employee's professional development required by the school.</p> <p>Other examinations undertaken at the request of the school.</p> <p>This does not apply to any other examinations the employee may take unrelated to their school post.</p>	Any travel over and above normal travel should be claimed in accordance with the School's Travel & Subsistence policy.	Reasonable time off to cover examinations	
SL009 Examining Groups	<p>Employees involved in:</p> <ul style="list-style-type: none"> - External Examiner/Markers and Awarders - External Moderator - Letters or revisers of question papers - The groups instructors or presenters of INSET course - Membership of Committees - Membership of subject panels - Representation on regional or national organisations. 	<p>The amount of release time required will vary depending on role and subject.</p> <p>Time off to cover duties in accordance with appendix ii of the Burgundy Book will be granted.</p>		Reasonable time off
SL010 Jury Service	Summons to serve on a jury.	<p>Please refer to the link below gives advice around how to claim for expenses and what employees required to attend jury service will be paid.</p> <p>https://www.gov.uk/jury-service/what-you-can-claim</p> <p>All time off for jury service will be unpaid by the school as this is paid by the court. 10 days' pay will be deducted by the school during the same month the employee is required to serve. Schools then notifies Payroll if the actual time served is different so that pay adjustments can be made.</p>		Authorisation is not required by the Headteacher as Jury Service is compulsory but schools will need to inform Payroll by using the request for leave form. It is important that if an employee is part time the working pattern is stated on the form.

LEAVE	DEFINITION OF LEAVE	CONDITIONS OF LEAVE	PAID	UNPAID
SL011 Wedding	To attend a wedding of a close relative or a member of staff within the same school.			1 day
SL012 Interviews	To cover an interview for a post within the education sector	Paid leave is only offered to staff with more than one whole school years' service, and only with advanced notice. Employees on fixed term contracts will also be eligible for paid leave.	1 day 2 days if process permits, only on receipt of the relevant evidence	At the discretion of the school
SL013 House Move	When a member of staff changes residence but maintains employment within the school.		1 day on receipt of address change on MyView	
SL014 Domestic Abuse	Where a case has been identified by the authorities, the school will fully support the employee where possible.	To allow for attendance of appointments with support agencies, solicitors, re-housing, court appearances etc.	Up to 5 working days	
SL015 Adverse Weather Conditions	Please see Adverse Weather Procedure and Guidance.			
SL016 Strike Action	In the event an employee agreed to take industrial action or refuses to break a picket line and does not attend work.	<p>If the Headteacher makes a decision to keep the school open, then all employees taking strike action will have pay deducted on daily rate for the period of strike action.</p> <p>If the Headteacher makes a decision to close the school, then the employee will be paid whether or not they take strike action unless they opt to take the pay reduction in the spirit of strike action.</p> <p>If other schools/nursery's in the area are closed and this impacts a dependents normal activity please refer to Emergency Leave</p>	<p>The period of the strike action</p> <p>(if the school the employee works in is closed)</p>	<p>The period of the strike action</p> <p>(if the school the employee works in remains open)</p>