

# Special Leave of Absence Policy

## Document Control

| Date           | Revision amendment details                                       | By whom      |
|----------------|--|--------------|
| 24/05/2019     | Adopted by TEFAT Board Trust                                     | Trustees     |
| September 2020 | Proposed date for review subject to statutory update as required | Ruth Dickens |
|                |  |              |
|                |  |              |

# Table of contents

|  |           |
|--|-----------|
| <b>Table of contents</b>                                 | <b>2</b>  |
| <b>Related policies and documents</b>                    | <b>3</b>  |
| <b>Definitions</b>                                       | <b>3</b>  |
| <b>Vision and values</b>                                 | <b>4</b>  |
| <b>Policy statement and objectives</b>                   | <b>5</b>  |
| <b>Scope and principles</b>                              | <b>5</b>  |
| <b>Compassionate leave</b>                               | <b>6</b>  |
| <b>Domestic emergency</b>                                | <b>8</b>  |
| <b>Family emergency and commitments</b>                  | <b>9</b>  |
| <b>Public duties</b>                                     | <b>10</b> |
| <b>Jury service</b>                                      | <b>12</b> |
| <b>Time off for medical appointments</b>                 | <b>13</b> |
| <b>Time off for religious observance</b>                 | <b>13</b> |
| <b>Time off to attend interviews</b>                     | <b>14</b> |
| <b>Moving house</b>                                      | <b>14</b> |
| <b>Study leave</b>                                       | <b>15</b> |
| <b>Adverse weather conditions and travel disruptions</b> | <b>15</b> |

## Related policies and documents

- Equality and Diversity Policy
- Family Friendly Policy (*please refer to this in relation to maternity, paternity, adoption, shared parental leave and parental leave*)
- Flexible Working Policy
- Management of Sickness Absence Policy (*please refer to this in relation to employee sickness absence*)

## Definitions

- Where the word 'Trust' or "TEFAT" is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the term 'CEO' is used it refers to the Chief Executive Officer.
- Where the word 'Governing Body' or term 'LGB' is used it refers to the Local Governing Body of an individual academy within the Trust.
- Where appropriate, local procedures and practices to implement Trust policies will be published by TEFAT head office or the individual academies.

# Vision and values

## Vision

The Elliot Foundation was created as a safe place for children and teachers where all are nurtured to achieve beyond even their own expectations. Our motto, "Where children believe they can because teachers know they can" reflects our conviction that raising expectations for all children and teachers is at the heart of a successful and inclusive society.

## Values

### For children

We help children to discover themselves and aspire beyond any limitations that their context might appear to place upon them. We help them understand that they can be, 'Heroes of their own lives' building the foundations for healthy and successful lives.

### For schools

In addition to the essential functional skills of reading, writing and mathematics, children need to learn how to learn and to believe that they can continue to do so. They must also possess the critical thinking skills to sift fact from fiction to be able to think for themselves, freely and creatively.

### For success

To thrive, whatever their chosen path, children need confidence, curiosity and commitment. We will nurture these attitudes across all their learning experiences.

### For communities

Children at Elliot schools will be raised with an awareness of the world around them and their role in shaping a better future through volunteering and contributing in their communities.

## 1. Policy statement and objectives

- 1.1. The Elliot Foundation Academies Trust (“TEFAT”) is committed to creating a supportive work environment for employees which enables them to successfully balance their professional responsibilities with their personal lives and ensures equality of opportunity in employment.
- 1.2. The policy is designed to provide a framework that enables employees to request reasonable time off work for the reasons below in order to manage their personal commitments:
  - Compassionate leave
  - Domestic emergency
  - Family/dependent emergency
  - Public duties
  - Jury service
  - Hospital, doctor, dental and other medical leave
  - Religious observance
  - Time off to attend Interviews
  - Moving house
  - Study leave
  - Adverse weather conditions and travel disruptions
- 1.3. All other types of leave including annual leave, sick leave, maternity, paternity and parental leave are out of scope of this policy and instead are dealt with in other policies and procedures (please refer to the Related Policies section above).

## 2. Scope and principles

- 2.1. This policy applies to all staff who are employed by the Trust. However, specific eligibility criteria may apply in relation to particular types of special leave as set out under the relevant policy criteria.
- 2.2. Requests for special leave will be considered in the context of both the supportive work environment the Trust wishes to provide to employees and the important part all employees play in the education of our children and young people. The Trust is committed to providing a fair and timely procedure which supports staff in having leave arrangements which assist them in balancing their work responsibilities with their personal commitments. It is understood that on occasion such leave will be unavoidable and the Trust will, where possible, support such requests.

- 2.3. This policy and procedure is the means by which a request for special leave will be addressed. Where possible, requests for special leave should be made to the Principal/CEO and authorised in advance in order that any necessary cover arrangements can be made.
- 2.4. The examples of leave within this policy is non-exhaustive and where circumstances arise which are not identified within this policy the line manager and or Principal/CEO has the authority to make a decision on whether or not leave is granted and whether this is paid or unpaid.
- 2.5. There may be occasions whereby line managers and/or Principals/CEOs are unable to agree time off or need to discuss deferring it until a later date. Every effort will be made to accommodate a reasonable special leave request or to reschedule a convenient alternative date, as appropriate.
- 2.6. The Trust recognises that it is not possible to cover all circumstances where special leave may be appropriate, for specific and exceptional circumstances that are not covered by this policy, please contact the central HR Team for further advice.
- 2.7. Approved special leave of absence may be granted on either a paid or unpaid basis, as appropriate. In a case where unpaid leave is granted employees will not receive salary, allowances, or any other payment which forms part of their terms of employment.

### **3. Compassionate leave**

- 3.1 The Trust recognises that employees may be faced with difficult personal circumstances at times, including situations involving the serious illness or death of a close relative or individual of significance to them. During these situations, employees may need to take time away from work and any request for special leave will be handled sensitively by line managers and/or Principals/CEO and in recognition that bereavement and funeral practices will differ amongst religions. Please also refer to paragraph 5 “Family emergency and commitments” in relation to time off to attend to matters related to dependents.
- 3.2 Compassionate leave will be granted to employees who:
  - need to care for a dependant or close relative who is seriously ill;
  - requires compassionate leave due to the death of a dependent, close relative, or individual of significance to them
  - Suffers a miscarriage or stillbirth (please see paragraph 3.6 below)

Line managers and/or Principals/CEO should discuss the individual circumstances with the employee, including the relationship that the staff member had with the person, the likely duration of leave required and consideration of any other additional support which should be provided to the employee. They should also be mindful that long term bereavement may lead to the employee suffering from a condition which constitutes a disability as defined by the Equality Act, such as depression or other mental health illnesses. In these circumstances advice should be sought from occupational health advisors which should inform discussions between the employee and their line manager and/or Principal/CEO and any additional support to be provided to the employee.

- 3.3 For the purposes of this policy, a close relative is defined as a spouse or partner, child, stepchild, grandchild, parent, step parent , parent-in-law, grandparent, brother or sister, step brother or step sister, or brother or sister-in-law. A “person of significance” will be determined by the individual circumstances of the situation.
- 3.4 The member of staff should contact their line manager and/or Principal/CEO as soon as possible in order that a discussion can take place to identify any appropriate support to be provided to the employee, including any special leave of absence.
- 3.5 Paid compassionate leave of normally up to 5 working days, may be given to a member of staff. If the employee requires longer periods of leave, the line manager and/or Principal/CEO should discuss this sensitively with the employee. Options to provide continued support to the employee should be considered and discussed with them, including an extension of the special paid leave, annual leave, unpaid leave, TOIL or temporary adjustments to working patterns, hours and/or responsibilities.
- 3.6 In circumstances where an employee’s baby is stillborn after the 24th week of pregnancy, or where a baby dies after birth, the employee will still qualify for maternity leave and pay or paternity leave and pay, subject to the normal eligibility criteria.
- 3.7 As individual circumstances may vary, it is recommended that each application for compassionate leave is assessed individually by the line manager and/or Principal/CEO, taking the following into consideration:
  - the relationship and caring responsibilities between the individual and the employee;
  - the nature and extent of any illness or treatment required;
  - the impact of the bereavement or illness on the employee;
  - any practical arrangements the employee needs to make, including if they are involved in making funeral arrangements;

- whether there may be a requirement to travel or attend a funeral or ceremony; and
- the business needs and demands of the organisation at that time and the capacity to make alternative arrangements to cover duties.

#### 4. Domestic emergency

- 4.1. The Trust understands that there may be situations in which employees need to take time off work in order to deal with domestic emergencies (please see paragraph 5 below for time off work for family/dependent related emergencies).
- 4.2. A member of staff can take a reasonable period of time off work to deal with a genuine domestic emergency. The purpose of this leave is to enable the employee to deal with the immediate essential arrangements and should be limited to the time necessary to do so. Examples of situations which may be considered an 'emergency' are:
- burglary
  - vehicle theft
  - road accident or other similar accident involving the employee (excluding time off for illness or injury where absence management policy will apply)
  - emergency repairs to home or services arising from or to avoid flooding or fire
  - other similar circumstances
- 4.3. An employee may request time off work to attend to the domestic emergency, which if granted, will normally be on an unpaid, annual leave or TOIL basis. However, there will be exceptional circumstances in which paid leave will be appropriate.
- 4.4. The member of staff must contact their line manager and/or Principal/CEO as soon as possible to discuss the reason for their absence and the likely length of any absence requested. Any extension to the initial period of leave should be requested by the employee as soon as they become aware this may be necessary.
- 4.5. Where two or more people from the same household are employed by the Trust, only one employee will be granted time off for instances whereby presence is required at the property concerned, for example flooding due to burst pipes.

## 5. Family emergency and commitments

- 5.1. The Trust recognises that family and dependent related emergencies can occur and it is important that staff are able to deal with these appropriately. Special leave of absence is available for employees to deal with sudden unforeseen problems related to their dependents and to make longer term arrangements as necessary.
- 5.2. A dependant is defined under this policy as an employee's spouse, civil partner, child (biological, adopted or fostered or for whom the employee has a legitimate responsibility), parent or someone who lives with the employee as part of their family. A dependent may also be someone who does not necessarily live at the same address as the employee but reasonably relies on the employee for assistance or to arrange provision of care. This may be where the employee is the primary carer or the only person who can help in an emergency.
- 5.3. Family emergency leave is available to employees for unexpected emergencies connected with their dependants, and should not be used for events known in advance. This leave allows employees to deal with sudden unforeseen problems and to make longer term arrangements as necessary.
- 5.4. Situations where special leave for family related emergencies is appropriate include:
  - to deal with unexpected disruption or breakdown in care arrangements for a dependant, for example, when a childminder is unavailable, the child is sent home from school; or when a nursery or school is unexpectedly closed;
  - if a dependant falls ill and requires the employee's care or has been involved in an accident or suffers some form of assault or harm.
- 5.5. Employees should request special leave for family emergencies by contacting their line manager and/or Principal/CEO in line with the academy/Trust procedures to discuss the situation. Line managers and/or Principals/CEO will discuss the nature of the emergency and likely duration of leave required with the employee and will also consider whether they need to provide any other additional support to the employee in the circumstances.
- 5.6. Special leave for family emergencies will be granted on a case by case basis subject to the individual circumstances and the impact of leave on the organisation. Normally, up to 2 paid working days may be granted in such circumstances in any rolling 12 month period. Depending on the situation, a reasonable amount of extended paid leave, unpaid leave, annual leave or TOIL to deal with the emergency may also be agreed.

5.7. There may be other circumstances in which employees require time off work to facilitate important commitments connected to their dependents which do not constitute an emergency. In order to minimise the impact of any absence, the Trust requests that employees to make all reasonable efforts to arrange for these commitments to take place outside of working hours. However, requests for such leave when necessary should be made by the employee and discussed with their line manager and/or Principal/CEO providing as much notice as possible. Line managers and/or Principals/CEO will consider leave requests on a case by case basis and if granted, such leave will normally be on an unpaid, TOIL or annual leave basis.

## **6. Public duties**

6.1. The Trust is committed to working closely with recognised trade unions and values the role they play in the education sector. Employees who are trade union members are entitled to take reasonable time off work on a paid basis to fulfil trade union duties and training and an unpaid basis to fulfil trade union activities.

6.2. In addition, under the Employment Rights Act 1996 members of staff who hold certain public positions have a right to reasonable unpaid leave during working hours to carry out certain public duties. Members of staff who are members of the following bodies are also eligible for leave:

- magistrate or justice of the peace;
- member of a local authority;
- member of any statutory tribunal;
- member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland);
- member of the managing or governing body of an educational establishment;
- member of a school council or board in Scotland;
- member of a health body e.g NHS Trust;
- member of the Environment Agency or the Scottish Environment Protection agency; and
- member of Scottish Water or a Water Customer Consultation Panel.

6.3. The public body may also require the individual to attend training, additional meetings, or committees in order for them to fully perform their function. For the purposes of the leave application, these should be considered to be part of the individual's public duties.

- 6.4. Individuals fulfilling public duties who are not eligible to take time off work to do so are:
- agency workers.
  - member of the police service or armed forces (save for Reserve Forces, please refer to paragraph 6.7).
  - civil servants, if their public duties are connected to political activities restricted under their terms of their employment.
- 6.5. Employees should notify their line manager and/or Principal/CEO, on appointment, if they hold membership of any of the organisations referred to in paragraphs 6.1 and 6.2 above, or if they take up membership of such organisations during their employment.
- 6.6. The employee should give their line manager and/or Principal/CEO as much notice as possible, ideally a minimum of one week, of any duties/training for which they wish to take leave. They should also try to schedule any time off work at times to minimise the impact of their absence where at all possible.
- 6.7. The employee will be asked to provide any additional documentation to their line manager and/or Principal/CEO as evidence of their request and/or written confirmation of the dates and times of their attendance.
- 6.8. In considering whether the leave application is reasonable, the line manager will take the following factors into consideration:
- how much time off is required for the performance of the particular duty;
  - how much time off has already been granted to the employee of the public duties; and
  - the impact of their absence on the workplace.
- 6.9. Volunteers in the Reserve Forces are required to inform the Trust of their commitment. Where possible the Trust requires staff members to arrange training during non working time. In situations where this is not possible, the Trust will give consideration to supporting the leave on a paid basis to enable the reservist to attend. Where employees are mobilised to duty as a reservist they are required to provide the Trust with reasonable advance notice of their upcoming absence. This will generally be 'unpaid' special leave.
- 6.10. Employees who serve during Elections 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 may take annual leave or unpaid leave at their line manager and/or Principal/CEO's discretion.

## 7. Jury service

- 7.1. Paid leave of absence will be granted for jury service subject to the arrangements outlined in paragraphs 7.4 and 7.5 below. The employee should contact their line manager as soon they receive the notification that they are required to attend court. This will also ensure that, where necessary, arrangements can be made to cover their absence.
- 7.2. Jury service normally lasts for 10 working days, but may be longer. The employee should provide their line manager with a copy of the jury service letter and any other relevant documentation.
- 7.3. In the event of the employee not being required to serve on a particular day, the employee would normally be expected to report to work. However, the line manager and/or Principal/CEO will consider whether this requirement is appropriate given the location of the court if the employee has travelled to it and the individual circumstances including the nature of any case. Employees should contact their line manager and or Principal/CEO to discuss if attendance at work is required in these circumstances.
- 7.4. The employee serving as a juror must claim the allowance for loss of earnings to which they are entitled to under the Jurors Allowance regulations and pay this back to the school/Trust. If a part-time employee undertakes jury service on a non working day, the payment from court for this day would not need to be paid to the school. The employee will receive a Certificate of Loss of Earnings form with the jury service letter, this form will enable the employee to receive reimbursement, up to a limit, for loss of earnings incurred due to being absent from work due to jury service.
- 7.5. The relevant Trust/school finance administrator should support the employee to complete the form, including providing details of a daily rate of pay. The form should then be returned by the employee to Her Majesty's Court & Tribunal Service (HMCTS) as soon as possible after Jury Service has been completed. The employee will be paid as normal by the school/Trust until their reimbursement has been processed, which will normally be 7 to 10 days after submission of the claim. As soon as the claim has been received, the employee must present the employer with the receipt for the reimbursement. The Trust/school will then make the appropriate deduction from the employee's next salary payment.

## **8. Time off for medical appointments**

- 8.1. The Trust will support employees by providing paid time off work to enable them to access medical attention in the event of a medical emergency relating to their own health.
- 8.2. The Trust fully understands that there are occasions whereby employees need to attend non-emergency medical appointments and it is important that they are able to do so. In order to minimise disruption the Trust expects employees to schedule such appointments outside of their normal working time where at all possible. On occasions that this is not possible, employees should schedule appointments so as to minimise the disruption to the organisation, such as at the beginning or end of the working day wherever possible. Employees must provide their line manager and/or Principal/CEO with as much notice as possible if they require time off work to attend such appointments.
- 8.3. Routine appointments such as dental or optician appointments should ideally be booked during the school holidays or at weekends to minimise disruption.
- 8.4. Where an employee is unable to schedule a doctor/hospital appointment outside of the working day, then time off with pay will be granted for an appointment made during working hours at the discretion of the employee's line manager and/or Principal/CEO. The employee would need to provide a copy of the appointment letter.
- 8.5. In circumstances in which an employee suffers from a long term ongoing medical condition which constitutes a disability as defined by the Equality Act, the line manager and/or Principal/CEO should authorise paid special leave of absence to enable the employee to attend relevant medical appointments which are not possible to be made outside of the employee's normal working hours. Further advice may be obtained from Occupational Health to inform the discussions and agreements made with the employee.
- 8.6. Line managers and/or Principal/CEOs should ensure that the application of this policy does not directly or indirectly discriminate against employees who have a protected characteristic, or who associate with someone who has a protected characteristic, in accordance with the Equality Act 2010. Further advice can be sought from the central HR Team.

## **9. Time off for religious observance**

- 9.1 Ensuring equality of opportunity, promoting an inclusive culture and valuing diversity are core to the ethos of the Trust. Therefore, the Trust is committed to celebrating and supporting diversity across the workforce. Requests for short term flexible working arrangements or time off to observe religious or cultural tradition will be considered sympathetically and will be accommodated wherever possible.

- 9.2 Requests should be given with as much notice as possible to the employee's line manager and/or Principal/CEO so that full consideration to the individual circumstances can be given.
- 9.3 Where possible employees actively practicing the relevant religion will be granted paid leave for 1 day within a rolling 12 month period when a significant festival falls during a normal working day.
- 9.4 Where religious observance lasts for more than one day during a normal working week the line manager and/or Principal/CEO will make a decision as to whether additional leave can be accommodated, including considering whether the additional leave can be granted on an unpaid, TOIL or annual leave basis.
- 9.5 Employees remaining in the workplace during specific religious days and festivals may also wish for a private space for prayer or meditation during this time. Where possible, the Trust will ensure an appropriate space is available to them for this purpose.

## **10. Time off to attend interviews**

- 10.1. The Trust recognises that employees may have a desire to progress their career with another organisation that is not part of the Elliot Foundation Academies Trust, resulting in the need to attend a job interview.
- 10.2. The Trust at the discretion of the line manager and/or Principal/CEO will normally grant employees a reasonable amount of paid leave to attend those interviews that cannot be arranged outside of working time. Staff members must provide as much notice as possible to limit the impact on the organisation.
- 10.3. The line manager and/or Principal/CEO may request to see evidence of the interview. The amount of time off will be agreed locally, taking into account the time of the interview, the length of attendance required at the interview, the location of the interview and the employee's role. There is not an automatic entitlement to a full day off.
- 10.4. If employees intend to visit a school/or work location as part of considering whether to apply for a job or following a job offer being made, they should arrange such visits during their own time where at all possible.
- 10.5. Employees whose posts have been identified as at risk of redundancy may also have a statutory entitlement to reasonable paid leave to attend interviews. Further advice can be sought from the central HR Team.

## **11. Moving house**

- 11.1. Employees are expected by the Trust to arrange events such as moving house during non working time where at all possible.
- 11.2. The Trust recognises that it can be difficult to coordinate a 'completion date' on the purchase or sale of a property on a non working day. In this circumstance

the Trust will normally support one day of paid Special Leave of Absence. Employees are requested to alert their line manager and/or Principal/CEO when they become aware of their completion date to ensure that cover can be put in place to limit the impact on the organisation.

## **12. Study leave**

- 12.1. The Trust wishes to provide a working environment in which employees are encouraged and supported to develop professionally. The Trust recognises the value of continuing professional development in relation to employee's job roles and will support employees where possible to complete relevant recognised qualifications.
- 12.2. Line managers and/or Principals/CEO will consider requests for Special Leave of Absence to sit examinations or attend courses on the individual circumstances, including the benefit of the qualification for the individual themselves, the job role the employee holds and the organisation as a whole.
- 12.3. Time off to sit an examination that would enhance the employee's professional development in their job role will be granted with pay.

## **13. Adverse weather conditions and travel disruptions**

- 13.1. The Trust recognises that on occasion exceptionally poor weather conditions or unexpected travel disruptions can make it difficult or unsafe for employees to attend work. Employees should make every effort to get to work where it is safe to do so but if they do not think that this is possible then they should contact their line Manager and/or Principal/CEO as soon as possible to discuss the reasons that travel is impossible or unsafe and to request special leave. If authorised, special leave will ordinarily be granted on a paid basis.
- 13.2. In exceptional circumstances where the school/office is closed and employees have been informed that they are not required to attend work, they will be paid their normal salary for the duration of the closure. However where possible, employees should continue to work from home.
- 13.3. When there is exceptionally poor weather conditions, such as snow, if employees are going to be late arriving to their place of work they should report the circumstances to their line manager and/or Principal/CEO in accordance with local procedures. In these circumstances and in situations whereby employees are granted early release from work due to adverse weather conditions, the employee would not ordinarily suffer any loss of pay.
- 13.4. If employees are scheduled to be working offsite, for example attending a training course or external meeting, but are unable to attend due to adverse weather conditions or travel disruptions, they should report this to their line manager and/or Principal/CEO. They should make every effort to report to their usual place of work instead, unless those adverse weather conditions or travel disruptions make this also impossible or unsafe to do so.