



SPECIAL LEAVE POLICY – TEACHERS

1. Aim and Scope of Policy

This document sets out the policy framework for leave of absence for all teaching employees employed on School Teachers' Pay and Conditions.

This scheme applies to teaching staff in Community and Voluntary Controlled Schools and centrally managed services. It is commended to the Governing Bodies of Voluntary Aided and Foundation Schools.

Leave of absence is a contractual right and minimum entitlements to paid and unpaid leave within the policy must be met. Schools may exercise discretion to award leave, paid or unpaid in excess of the minimum. All requests for such leave should be considered on an individual basis, with due sensitivity to the circumstances.

This policy does not apply to sickness absence, maternity/adoption leave, paternity leave, shared parental leave, time off for family and dependents or time off for Trade Union duties for which there are separate provisions.

Please ensure you read this policy in conjunction with the guidance.

2. Roles and Responsibilities

2.1 School Management

- School Management may seek guidance and support from HR as and when appropriate.
- School Management should be supportive of employees requiring special leave but this must be balanced against the needs of the School.
- School Management should consider requests for Special leave for Head Teachers and determine whether they can be authorised either paid or unpaid.
- School Management should be made aware of all requests for special leave.
- School Management must be consulted regarding requests for special leave for circumstances over two days.

2.2 Head Teacher

- The Head Teacher may seek guidance and support from HR as and when appropriate.
- The Head Teacher should be supportive of employees requiring special leave but this must be balanced against the needs of the school.
- The Head Teacher will have the discretion to determine the amount of leave to be granted within the framework of this policy, bearing in mind the circumstances of the case and the needs of the school.
- The Head Teacher will consider all requests for special leave and determine whether they can be authorised either paid or unpaid. Paid time off will be considered in accordance with the special leave policy and guidance.
- The Head Teacher should be able to demonstrate that meaningful consideration has been given to the request along with solutions to minimise the impact to the school before a decision is reached.

2.3 Employee

- Employees will be expected to have taken steps to avoid requesting time off, where practical.
- Employees will request special leave as soon as possible.
- Employees will submit relevant documentation to apply for special leave. In an emergency situation, the employee must contact the school as soon as reasonably practical and explain the reason for their absence and the duration.
- Employees should work with their line manager to identify solutions to minimise the impact on service caused by their absence.
- Employees must, where possible, look to other methods of support for prolonged absences.

3. Categories of Special Leave

Details of provisions covered by legislation are referred to in the School Teachers' Pay and Conditions Document and The Burgundy Book National Conditions of Service. The amount of leave may not necessarily be detailed in the legislation

Leave of absence is considered as four separate areas as follows:

- a) Contractual Leave (Section 4 of this policy);
- b) Statutory Special Leave (Section 5 of this policy);
- c) Personal and Dependency Leave (Refer to guidance document)
- d) Exceptional Circumstances (Section 6 of this policy)

4. Contractual Leave

This refers to leave granted to teachers as a contractual entitlement under the terms of such national agreements as may be in force.

These are currently as follows:

- Teachers' Sick Pay Regulations; - See separate Improving Attendance Procedures
- Maternity, Adoption and Surrogacy Leave provisions; - See separate Maternity, Adoption and Surrogacy Leave Schemes
- Trade Union Facilities Agreement; - See separate Facilities Agreement
- Health and Safety Representatives.- Leave of absence with pay will be available to Safety Representatives as necessary for performing duties as defined in the Health and Safety at Work Regulations.

5. Statutory Leave

This refers to details of provisions covered by legislation that are referred to in national conditions of service including Public Service Duties, Medical Screening, Time off for Dependents, Parental Leave and Parental Bereavement Leave. The amount of leave may not necessarily be detailed in the legislation but it may be that reasonable time off is allowed, for example, for officials of trade unions to undertake trade union duties. Equally under the national conditions of service, it may be that, for example, post entry training and education should be afforded. (Refer to the guidance document for entitlements for this category.)

6. Exceptional Circumstances

In exceptional circumstances, school management can authorise unpaid leave of up to 30 days in any one academic year, where other leave provisions do not apply. This could include leave to travel abroad.

Governors/Head Teachers are advised to think carefully about the effects on school organisation, the effects on other staff, the teaching of pupils and setting precedents that the school may not wish or be able to follow.

7. Applications for Leave of Absence

Further information on applying for special leave can be found in the guidance however, please note it is always helpful if employees provide as much information as possible. Failure to give adequate notice of the request, without good reason, so that arrangements can be made for adequate cover may result in the request not being approved.

Where an employee requires paid time off in accordance with local agreements, this will need to be agreed in advance of the time being taken. Unless specified within the management guidance, a maximum number of 10 days' paid special leave may be granted in any academic year. Governor approval is required for any employees where their situation may require an excess of 10 paid days.

In all instances, paid special leave will be calculated pro-rata for part-time employees.

8. Terms and Conditions of Employment

The contract of employment continues throughout the period of leave unless either party expressly ends it or it expires.

If you are a member of the Teachers' Pension Scheme, you should seek advice from the Teachers' Pensions Service regarding your payments and membership whilst on unpaid leave.

9. Further Guidance

If Head Teachers or managers require any advice regarding the application of this policy and guidance, please contact your HR provider.

10. Policy Review

This policy and guidance will be reviewed in accordance with any changes to statutory legislation and in consultation with the recognised Trade Unions.

11. Approving Body and Date

SPDG & LNJCC – October 2020



SPECIAL LEAVE GUIDANCE - TEACHERS

1. Introduction: The aim of this guidance document

This document aims to provide guidance on how to apply the Special Leave policy in day-to-day practice. The School values the contribution of its teachers in the delivery of services and aims to address the needs of employees to balance work with personal circumstances. It is expected that all teachers will comply with the arrangements for the application of special leave detailed in the policy.

2. Scope

This procedure applies to all teaching employees employed on School Teachers' Pay and Conditions and the Burgundy Book.

3. Importance of Special Leave

The Special Leave Policy and procedure enables Schools to comply with relevant legislation and positively influence teacher motivation and commitment, help to reduce sickness absence and promote a positive image of the school as a caring and responsive employer.

4. Applications for Leave of Absence

Except in cases of sickness, maternity/adoption/surrogacy or emergency applications for leave of absence, employees must:

- ensure that, where possible, at least seven days' notice is given prior to the first day of intended absence for absences where the duration is less than a week;
- make the request in writing on the Special Leave Request Form ensuring that they date and sign the application form as soon as they are aware that the leave will be required;
- ensure that they request a finite period of leave, with an expected return date;

- ensure that, where possible, at least seven weeks' notice is given prior to the first day of absence for absences when the duration is greater than a week. For Parental Leave, employees are required to give at least 21 days' notice of the request for Parental Leave;
- specify the dates of leave applied for, including commencement dates, cessation dates and number of days applied for;
- indicate whether they would like the absence to be considered as paid or unpaid leave;
- Explain the circumstances of the leave request.

It is always helpful if employees provide as much information as possible. Failure to give adequate notice of the request, without good reason, so that arrangements can be made for adequate cover may result in the request not being approved.

Where an employee requires paid time off in accordance with local agreements, this will need to be agreed in advance of the time being taken. Unless specified within the management guidance, a maximum number of 10 days' paid special leave may be granted in any academic year. Governor approval is required for any employees where their situation may require an excess of 10 paid days.

In all instances, paid special leave will be calculated pro-rata for part-time employees.

School management must:

- carefully consider the response and follow the procedure which is detailed within the guidance document;
- notify the employee of the outcome with 10 days if practicable.(Appendices 2 and 3)

There may be exceptional circumstances when it is not possible for an employee to provide notice that time off is required. When this is the case, the employee should contact the designated person in accordance with the School's absence reporting procedure, informing them of:

- their absence from work;
- the circumstances of the absence;
- the likely length of absence;
- the expected return date.

When an employee returns to work, they will be required to complete the Special Leave Request Form and allow for approval to be granted on the time being paid or unpaid.

5 Statutory Special Leave

5.1 Councillors with Local Authorities

Members of local authority councils and committees will be allowed not more than 21 days paid leave per year for the purpose of undertaking approved duties..

Leave is not normally available for polling duties or to be a party worker or for duties as a census officer or enumerator.

5.2 Jury Service / Witness at Court

Teachers required attending a court or tribunal as a juror or witness will be allowed leave with pay as necessary. Individual teachers should complete a "loss of earnings" claim supplied by the Court, where attendance allowances are paid in connection with public service, the amount paid will be recouped by the HR & Payroll service. Where attendance extends over 30 days, the teacher's superannuation position can be affected and advice should be sought through payroll/Teacher Trade Union representative

Where teachers are required to attend a court or tribunal other than as a juror or witness, leave of absence will be granted as necessary. The question of salary payment for such absences will be at the discretion of the Governing Body.

5.3 Magistrate Duties

Reasonable paid time off is allowed at the School's discretion but this will normally be limited to 26 half-day sessions per year. Only the necessary time off required to attend the session will be allowed (i.e. if the session only lasts 1.5 hours the teacher must return to work and that will be classed as one of the half day sessions). The teacher must make their own arrangements for claiming loss of earnings from the Court.

5.4 Election Duties

Paid time off is allowed for teachers to undertake Polling Station duties in connection with Elections

5.5 Medical Screening/Appointment

Paid time off is allowed for medical screening or appointments that cannot be made outside of normal working hours.

Where determined by the Manager, this will also include tests where this is necessary due to the employees job e.g. eyesight tests and audiometric tests

Routine medical appointments i.e. doctors, dentists, opticians, should normally be made outside working hours. However, if this is not possible or the appointment is an emergency, appropriate paid time off is allowed. Teachers should be prepared to show an appointment card, if requested. Confidential details maybe redacted.

It is expected for elective surgery e.g. laser eye, plastic/cosmetic/vasectomy surgery that such procedures should be undertaken outside of normal working hours. Where this is not possible leave **without** pay may be granted.

5.6 Time off for Dependants

This relates to time off to deal with incidents involving a 'dependant' - defined as the teacher's parent, spouse/partner, child or someone who lives as part of the family or for whom the teacher is the main carer. This leave will be granted in order for alternative caring arrangements to be made. For each occasion, any leave beyond 1 day will be without pay and a total of 10 days per year will be granted.

Managers should be aware that a request should not be unreasonably refused. However, in considering the request, Headteachers and managers are advised to consider:

- the specific reason for the leave;
- the time and dates required;
- If the employee has explored alternative arrangements to support their dependant e.g. partner, other family member or appropriate person;
- organisational implications and cover arrangements.

Although time off under these provisions in the law is not paid, within Blackburn with Darwen, teachers can request not more than 10 days paid leave. Not more than 10 days paid leave may be granted for teachers in any academic year.

5.7 Parental Leave

In accordance with legislation parents are entitled to 18 weeks' unpaid parental leave.

The right to unpaid parental leave can be used by employees who have at least one year's continuous service and who have parental responsibility for the purpose of caring for a child. Parents can use it to spend more time with their children and to achieve a better balance between their work and family life.

Entitlement relates to both men and women who are:

- the employed parents of a child have the legal right to take up to 18 weeks' unpaid parental leave until the child's 18th birthday.
- the employed parents of a child placed with them for adoption and each have the legal right to take up to 18 weeks' unpaid parental leave until the child's 18th birthday.
- the parents or adoptive parents of a child who has been awarded Disability Living Allowance and are each entitled to take up to 18 weeks' parental leave until the child's 18th birthday.

In the case of multiple children, the employee has the right to take unpaid parental leave in respect of each child, but will only be eligible to unpaid leave in blocks of multiples of one week up to a maximum of four weeks in any year.

An employee must give the employer at least 21 calendar days' notice of the date on which he or she intends a period of parental leave to start and the duration of the period of leave

In exceptional circumstances, the manager of the employee or the organisation may postpone parental leave for a maximum of 6 months from the date when the employee wishes to take the leave, where the service would be unduly disrupted. Parental Leave cannot be postponed when an employee provides notice to take it immediately after the time the child is born or placed for adoption. If it is necessary to postpone parental leave, the manager will write to the employee to confirm the reason why and confirm the alternative date agreed when parental leave can be taken.

5.8 Disability Leave

Disability Leave is paid time off work for a reason related to someone's disability. It may be for a long or short period of time and may or may not be pre-planned.

Disability Leave is a 'reasonable adjustment' under the Equality Act, and is in accordance with good employment practice as recommended by the Equality and Human Rights Commission.

Disability Leave will not be included for purposes of assessing performance, promotion, attendance, selection for redundancy, and similar issues.

Where Disability Leave is needed, agreement must be reached on the approximate number of days and approximate date of the leave.

Some examples of reasons for planned disability leave include (but are not limited to):

- hospital, doctors, or complementary medicine practitioners appointments;
- hospital treatment as an outpatient;
- assessment for such conditions as dyslexia;
- hearing aid tests;
- training with guide or hearing dog;
- counselling/therapeutic treatment;
- recovery time after blood transfusion or dialysis treatment;
- physiotherapy (sessional or residential).

When, however, it is not possible to give the school notice, the teacher must contact the school as soon as it is reasonably practical of the estimated time off to be taken.

5.9 Redundancy

Teachers who are under notice of redundancy are entitled, during the notice period, to reasonable paid time off during working hours to look for new employment, to undertake job observations or to make arrangements for training for future employment. The training need not be for the same type of work from which the employee is being dismissed.

5.10 School Governor Duties

Reasonable time off is allowed for teachers to undertake School Governor duties.

When agreeing reasonable time off, consideration should be given for attendance at:

- full governing body meetings;
- committee meetings;
- disciplinary hearings;
- appeal committees;
- admissions committees;
- interviews.

5.11 Volunteer Members of Non Regular Forces

Wherever possible, teachers should negotiate to attend camp outside term time. One week's additional paid leave (teachers 27.5 hours, part time pro rata) is allowed to attend summer camp with the choice to take the second week without pay.

Other Special Leave

6.1 IVF (Fertility) Treatment

Discretionary paid time off may be given to teachers undergoing fertility treatment where appointments cannot be arranged outside working time..

Teachers should be prepared to show an appointment card if requested. Confidential details maybe redacted.

6.2 Compassionate Leave

To qualify for paid special leave for compassionate reasons, the event must be the death of a family member or a person with whom the teacher had a close, continuing relationship/friendship.

An employee may wish to request time off to make funeral arrangements as well as to attend a funeral. It would also be appropriate for leave to be granted on the day of notification of death.

The granting of compassionate leave for bereavement is to enable the teacher to make necessary arrangements and also to deal with their grief, to ensure that they are able to return to work and resume their duties. Each individual case is different therefore different amounts of leave may be granted depending upon the circumstances surrounding each case.

Where grief or trauma makes a teacher unable to return to work for health reasons, it may be more appropriate for the period of absence to be covered by a medical certificate. In such circumstances, a manager may suggest that an employee consult their general practitioner.

Primary carers who lose a child under 18 are entitled to leave and pay as per the Parental Bereavement Act. More information about this can be found in the Parental Leave Policy.

6.3 Time off to attend Funerals

If a funeral is further afield than the immediate locality, or overseas, then a teacher may request a longer period of absence for travelling, which would be deemed reasonable in such circumstances.

The time allowed can range from just a few hours off to up to 6 days' paid leave in exceptional circumstances. In an aim to ensure some consistency, the following guidelines should apply:

- 1 day's paid leave to attend the funeral of a close relative;
- Up to 2 days' paid leave on the death of a partner, dependant or close relative;
- Up to a further 2 days' leave if you are responsible for the funeral arrangements or the estate of the deceased, partner or relative;
- Up to a further 2 days' paid leave if it is necessary to travel a considerable distance or abroad, or where travelling is unusually difficult, to attend the funeral.

Unpaid leave may be requested if additional time off is required.

6.4 Religious Observance

The Council acknowledges the multi-faith nature of the British Society.

On some occasions, religious festivals may fall outside school holiday periods, weekends or closure days and this necessitates consideration of special leave for religious observance for teachers practicing that particular faith.

It is legitimate to balance the needs of the individual with the needs of the school, but this must be done in a consistent way. This does not mean that all requests have to

be granted, but that careful consideration must be given to each request and a response given.

6.5 Extended leave for Family / Religious purposes

Employees may wish to take extended leave or travel abroad to fulfill family/religious obligations festivals or pilgrimage.

Although there is no express right to time off work for such religious observance, Headteachers and managers should aim to accommodate such requests where practical, bearing in mind that such occasions are clearly of significant personal importance to the individuals concerned. With this in mind, forward planning on the part of both Headteachers and employees for time off for observance of religious festivals and events is necessary.

When applying for extended leave, teachers should ideally provide 7 weeks' notice, or longer if possible, and include:

- the specific reason for the leave;
- the dates of any events requiring leave;
- clarity on the return date and the first day of work thereafter.

Requests should be made in writing well in advance of taking leave to allow time to consider the duration of time off required and should be considered sympathetically where it is reasonable and practically possible for employees to take leave.

Where the exact dates of leave required are not known at the time of the request, an approximate idea should be given. Teachers are asked to be mindful that, although Headteachers and managers will endeavour to accommodate leave requests for religious observance, this may not always be possible.

Before extending the discretion governors are advised to consider:

- is there an obligation for the teacher to attend the Religious Event as part of their faith?
- is there specific time for the Religious event?
- how many times are employees obliged to undertake the Religious Event?

Headteachers and managers should consider factors such as continuity of educational provision, and the health and safety, budgetary, and organisational implications of requests for time off.

Whilst it may be possible for one or a small number of teachers to be absent, it may be difficult if numerous requests are made. In these instances, the Headteacher/Manager is recommended to discuss the matter with the employees affected, and their Trade Union/Professional Association with the aim of exploring all the available options to minimise the potential disadvantage to employees of a particular religion/belief and balance the needs of the school and other

employees. Such discussions should be held in a timely manner, as uncertainty over whether requests for time off will be granted until very near the occasion itself may cause unnecessary distress.

Refusal to grant leave could be discriminatory if it cannot be justified by a legitimate business need which cannot be met by other reasonable means. Where leave is granted, it must be unpaid.

6.6 Other Emergencies

This is to allow teachers time to meet with the police, arrange emergency housing for the family etc. after an incident such as a house burglary, explosion or fire. It is only intended to cover emergencies, not general visits to solicitors, sick relatives etc.

6.7 Attending Employment Interviews

Paid time off is allowed for teachers to attend job interviews within the Council's service. For interviews outside local government, employees will be required to take special leave. The same criteria apply to anyone who is required to have a medical examination following an interview.

6.8 House Removal

This facility is designed for situations where the removal cannot be on any other day than a working day.

One day will be allowed paid and it is to cover that day only and is not an allowance that can be taken in lieu.

6.9 Prospective Parents (Other than Mother)

Paid time off is allowed for a teacher to attend one ante natal appointment, with reasonable time off for scans.

6.10 Wedding of a Close Relative

To qualify for paid special leave for a wedding, the event must be for a family member or a person with whom the employee had a close, continuing relationship/friendship. If a wedding is further afield than the immediate locality, or overseas, then a teacher may request a longer period of absence for travelling. A maximum of three paid days will be authorised for the wedding of a family member. Subsequent time requested will be without pay.

6.11 Attendance at a Degree Ceremony

To qualify for paid special leave for a degree ceremony, the event must be for the employee or a dependent. If the degree ceremony is further afield than the immediate locality, or overseas, then the option of two paid days may be authorised.

6.12 External Examiner / Moderator

This applies to work done outside that already stipulated as part of a teacher's role in the current Pay and Conditions document. It includes external examiner, marker, awarder, external moderator, setters or revisers of question papers examination board instructors or presenters of INSET courses, members of committees/subject panels. Teachers should be encouraged to plan well ahead and to give schools good notice of their commitments to minimise disruption.

Paid leave from duties in connection with external examinations shall be available to teachers in certain circumstances. Details of this connection are set out in Appendix II of the Burgundy Book titled "Memorandum of agreement for the release of teachers".

6.13 Guest Lectureship

Time off may be allowed at the Manager's discretion for teachers who are requested to provide lectures/talks on their work where this is to take place during normal hours. Requests for time off should be made to the Manager who, in deciding whether to approve the request, will take into account the relevance of the employee's job and benefits to the School.

If the work for the event has to be done in school time, then any monies paid for it should be made to offset salary costs.

If the work has been undertaken entirely in the teacher's own time, then any monies paid should go to the employee, who must understand the need to declare this to the Inland Revenue for tax purposes.

6.14 Study leave

This facility should only apply where the teacher is receiving financial and/or time support from the school for a programme of study, which falls within the School's Teachers' Development Policy.

Where a teacher is undertaking approved private study for a recognised degree or diploma, not more than 20 days' paid leave will be available over the duration of the course as a whole. The amount of paid leave granted for specific courses shall be in accordance with arrangements determined by the Authority. The amounts of approved leave will be reduced pro rata for part-time teachers.

7 Further Advice

For further advice and guidance on policy application and HR support, please contact your HR provider.

This is not intended to be an exclusive document and the guidance should be read in conjunction with the Special Leave Policy and information on Blackburn with Darwen Council School's HR intranet site.

Appendix 1 – Special Leave Request Form

Appendix 2 – Special Unpaid Leave – Agreement letter

Appendix 3 – Special Unpaid Leave – Refusal letter

Appendix 4 – Table detailing maximum periods of leave per Academic year

Version Updated October 2020

Appendix 1 - Special Leave Request Form

SECTION 1 – TO BE COMPLETED BY THE EMPLOYEE

PERSONAL DETAILS			
FULL NAME			
PAY REFERENCE			
POST HELD			
SCHOOL		SCHOOL NUMBER	
CIRCUMSTANCES OF LEAVE REQUEST			
I wish to request leave as specified below in the current Academic leave year:			
DATES			
When would you like the leave to commence? DATE (dd/mm/yyyy)			
When would you like the leave to cease? DATE (dd/mm/yyyy)			
Date returning to School			
Number of working days absent		<input type="checkbox"/> Paid <input type="checkbox"/> Unpaid	
Signed:			
Dated:			

SECTION 2 – TO BE COMPLETED BY HEAD TEACHER / SCHOOL GOVERNOR

Request approved	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input style="width: 40px; height: 25px;" type="text"/> <input style="width: 40px; height: 25px;" type="text"/>	Days approved with pay Days approved without pay
Reasons for approving or not approving request:	
Copy of letter provided to employee to confirm final decision.	<input type="checkbox"/> Yes <input type="checkbox"/> No
If request approved for unpaid leave – have you informed your payroll provider?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Signed:	
Dated:	

Appendix 2 – Special Unpaid Leave Agreement letter

Date:
Ref:
Ask for:
Direct Dial:

Dear

Special Unpaid Leave – Agreement

Further to your recent request for extended, unpaid special leave, I am pleased to inform you that your request has been approved.

Your period of special leave will commence on (insert date) and you will be expected to return to work on (insert date). Failure to return to work on the agreed date, without prior agreement, may invoke the Disciplinary Procedure

I list below the specific terms agreed with you in relation to this period of special leave:-

(Insert details, as appropriate)

Yours sincerely,

Name
Headteacher

Appendix 3 – Special Unpaid Leave – Refusal letter

Date:
Ref:
Ask for:
Direct Dial:

Dear

Special Unpaid Leave – Refusal

Further to your recent request for extended, unpaid special leave, I am writing to advise you that your request cannot be approved at this time.

The reasons that your request cannot be accommodated are:

(Insert details, as appropriate)

The School seriously considers all requests for special leave due to the reduced flexibility of term time teachers not having flexible holidays and I am sorry that we cannot support your requested period of absence. Please do not let this deter you from applying for a different period in the future.

Please do not hesitate to contact me if you have any queries relating to this decision on the above number.

Yours sincerely,

Name
Headteacher

<ul style="list-style-type: none"> ▪ Prospective Parents ▪ Wedding of a Close Relative ▪ Attendance at a Degree Ceremony ▪ External Examiner / Moderator ▪ Guest Lectureship ▪ Study Leave 	<p>Reasonable time off</p> <p>Up to a maximum of 3 days paid leave</p> <p>Up to a maximum of 2 days paid leave</p> <p>Reasonable time off</p> <p>Reasonable time off</p> <p>As necessary, paid</p>	<p>School</p>
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