



Thinking Schools Academy Trust
“Transforming Life Chances”

Special Discretionary Leave Policy

This policy was adopted on	September 2017
The policy is to be reviewed on	September 2021

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Part A – Policy

1 Policy Statement

The Trust recognizes that at some stages during their working lives Employees may need to take time off to fulfill their personal commitments, including domestic and family responsibilities. The Trust also acknowledges that Employees have certain statutory rights in respect of time off work.

The Trust will give due consideration to requests made under these provisions and will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the Academy and Trust.

Requests will be viewed sympathetically and each case considered on its own merits. The decision of the Headteacher/Principal is final and there is no right of appeal.

The Academy and Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Academy or Trust or cause undue disruption to other staff.

This procedure explains:

- Employees' entitlement to leave and how this should be requested.
- How the Trust will manage requests for leave in a fair and consistent manner.

This policy does not address absences for reasons of personal sickness or maternity / paternity leave which are set out in other procedures.

2 Scope

This Policy and Procedure applies to all Employees of The Thinking Schools Academy Trust. For those employees who have transferred under TUPE Regulations 2006 the principle of no detriment will apply in respect of transferred policy entitlements in respect of special and discretionary leave.

3 Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1st September 2017 and supersedes any previous procedures except to employees with preserved entitlement as referred to in paragraph 2 of this policy..

This policy will be reviewed by the Board of Directors every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

4 Responsibilities of the Trust / Headteacher/Principal

- To consider requests for leave in accordance with the provisions of this procedure
- To comply with any statutory provisions that may apply in relation to special leave
- To balance any requests for leave with the operational needs of the Trust to ensure that granting an Employee leave does not have a detrimental impact on the Trust or cause undue disruption to other Employees.
- To promote a culture of a positive work life balance within the School.

5 Responsibilities of the Employee

- To make any request for leave in accordance with the provisions and timescales set out in this procedure.
- To take leave only for the specific purpose for which it is requested.
- To show consideration to the operational needs of the Trust and respect to colleagues when making leave requests.

6 Delegated Responsibility

The management of special leave may be delegated to staff other than the Headteacher/Principal. References to the role of the Headteacher/Principal in the policy and procedure include his / her nominee.

Part B - Procedure

7 Emergency Time Off for Dependants

Entitlement

The Trust has a statutory obligation to grant Employees a reasonable period of unpaid time off work to deal with unforeseen or emergency situations involving a dependant who relies upon the Employee for assistance.

A dependant is defined as

- the Employee's spouse, civil partner, child or parent (this may also include step children)
- any person who lives at the same house as the Employee (other than as a lodger, tenant, boarder or Employee)
- any other person who would reasonably rely on the Employee for assistance in the event of illness or injury or to make arrangements for care

Circumstances, in which time off may be permitted include but are not limited to:

- Providing assistance if a dependant falls ill, is injured or assaulted or is unexpectedly taken into hospital
- Making arrangements for the care of a dependant who is ill or injured if a child is involved in a serious incident during Trust hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependant
- Taking action that is necessary in consequence of the death of a dependant
- To deal with an incident involving the child of an employee that occurs unexpectedly during a period when the child is attending school
- To attend appointments with dependants where the employee's attendance is essential. Appointments should, where possible be outside or working hours.
- Each case will be considered on its own merits. As a guide the time off should be sufficient to enable the Employee to deal with the immediate situation and make any necessary longer term arrangements. In most cases a day or two will be sufficient to deal with the immediate circumstances.

First day of each period of Emergency time off is paid, up to a maximum of three days in a 12 month period. Unless an employee has a preserved entitlement through a TUPE transfer. Further details of entitlement can be sought from HR.

Additional emergency leave may be requested in line with the statutory provisions but, will not normally be paid.

Time off for non dependants is not covered by this provision

Eligibility

All Employees, regardless of their length of service, are entitled to request reasonable time off under this provision.

Requesting Leave

All requests should be submitted to the Headteacher/Principal for consideration.

The Trust recognises that it may not always be possible for the Employee to notify the Headteacher/Principal of the need to take emergency time off in advance, however the Employee should inform the Headteacher/Principal of the need to take time off as soon as reasonably practicable where possible.

The Employee should advise the Headteacher/Principal of the reason for the absence and how long they expect to be absent. Where an absence lasts more than one day the Employee should make contact with the Headteacher/Principal each day if other arrangements were not agreed on the first day of absence.

Immediate release may be agreed where an emergency arises during the course of the working day.

Reasonable time off will be granted – however the Trust will monitor absences and may address this with Employees where the number or duration of such absences are causing concern.

The Trust recognises that unforeseen circumstances arise which may result in a breakdown / disruption of the usual arrangements for the care of a dependant – however it is the responsibility of each Employee to ensure that they have appropriate care arrangements in place.

The Headteacher/Principal reserves the right to refuse time off where Employees could reasonably be expected make alternative arrangements or contingency plans for the situation in advance – e.g. to take a dependant to a pre planned non emergency appointment.

8 Compassionate Leave

Compassionate leave may be granted at the discretion of the Headteacher/Principal on behalf of the governing body to allow an Employee to attend to urgent or unforeseen personal circumstances, including the death or serious illness of a close relative.

The Headteacher/Principal may need to undertake reasonable and sensitive enquiries into the situation when considering requests.

Entitlement

- a) Up to a maximum of 10 days will normally be allowed in any one year following the death of an immediate relative

- b) Up to a maximum of 5 days will normally be allowed in any one year in the following circumstances:
- Death of a close relative, including where the employee is the nearest relative responsible for dealing with the estate;
 - Serious illness and/or hospitalisation of a spouse, partner (including same sex partner), parent or child or other close relative;
 - Other domestic crisis, eg relationship break-down, fire, flood etc

Additional paid or unpaid compassionate leave may be granted in exceptional circumstances and at the Headteacher/Principal's discretion.

Eligibility

All Employees, regardless of their length of service are entitled to request compassionate leave.

Requesting Leave

All requests should be submitted to the Headteacher/Principal for consideration.

The Trust recognises that it may not always be possible for the Employee to notify the Headteacher/Principal of the need to take compassionate leave in advance. The Employee should inform the Headteacher/Principal of the need to take compassionate leave as soon as reasonably practicable.

The Employee should advise the Headteacher/Principal of the reason for the absence and how long they will need to take leave and whether they are requesting paid or unpaid leave.

The outcome of the request and any arrangements for payment will be confirmed in writing by the Academy.

This provision is in addition to any statutory entitlement for emergency time off for dependents.

9 Parental Leave

Employees with parental responsibilities have a statutory entitlement to request parental leave specifically to take care of the welfare of their child.

Entitlement

Qualifying Employees may take up to a total of 18 weeks leave for each child born or adopted before the child's 18th Birthday.

An Employee who is the parent or adoptive parent of a child who is disabled is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.

This entitlement is calculated on a pro rata basis for part time Employees.

All parental leave is unpaid.

Leave may be taken in periods of no less than 1 week up to a maximum of 4 weeks in any 12 month period. Where a child is disabled periods of less than 1 week may be agreed.

Each 12 month period commences on the anniversary of the date an Employee first became entitled to parental leave in respect of the child in question.

Both parents each have an entitlement to parental leave – however this cannot be transferred between parents.

Eligibility

Employees are entitled to a period of leave in respect of each child. To qualify for parental leave, Employees must have completed at least one year's continuous service with a Trust school, LA; or other maintained school and

- Be the parent of a child who is under eighteen years of age
- Have adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18th birthday, whichever is the sooner); or
- Acquired formal parental responsibility for a child who is under five years of age.

The Employee may be asked to complete an application / declaration form to formally confirm their eligibility for parental leave.

Requesting Leave

Requests for parental leave should be made in writing to the Headteacher/Principal no later than 21 days before the intended start date. When requesting leave the Employee should specify the duration and intended return date.

To request parental leave immediately after the birth or adoption of a child Employees should submit their application no later than 21 days before the beginning of the expected week of confinement or placement, or as soon as is practicable if the child is born prematurely.

The Trust may ask the Employee to evidence their relationship with the child for whom leave is requested by providing birth or adoption certificates, as appropriate.

The outcome of the request will be confirmed in writing by the Headteacher/Principal within 7 working days of the request being made.

The decision of the Headteacher/Principal is final and there is no right of appeal.

The Trust will keep a record of the amount of leave taken in order to maintain an accurate account of the Employee's entitlement.

Postponement of leave

The Trust may ask an Employee to postpone a period of parental leave if their absence would be detrimental to the operation of the Trust. Such a postponement may be extended by up to 6 months.

In instances where a request for leave is made immediately following the birth or adoption no postponement is permissible.

Where a request cannot be accepted – the Trust will discuss the reasons for this and suitable alternative dates with the Employee. The Trust will notify the Employee of the outcome in writing within 7 working days of the original request setting out the reasons why a postponement is necessary and suitable alternative dates.

Changing Employers

Employees who change Employers during the period in which they are eligible to take parental leave may transfer any unused leave to their new Employer. Such leave may not be taken until the Employee has been employed by the new Employer for 12 months.

The Trust reserves the right to contact previous Employers to verify the amount of unused entitlement an Employee has.

Conditions of employment during periods of parental leave

During a period of parental leave – the Employee will remain employed although pay will be suspended. Where leave is for less than 4 weeks an Employee will have the right to return to the same role as before.

10 Time Off for Religious Observance

The Trust recognises that there may be occasions where Employees may wish to request time off during their usual working hours or alter their usual working patterns for religious / cultural observance.

Entitlement

The Trust will endeavour to grant reasonable time off in so far as practicable taking into account the needs of the Trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

The Trust will also give reasonable consideration to making appropriate facilities available to for Employee's to undertake religious observance – eg prayer spaces/ catering for dietary requirements.

All time off will be unpaid. For support staff contracted on an all year round basis paid annual leave may be granted.

Eligibility

All Employees, regardless of their length of service, are entitled to request time off under this provision.

All Employees, whatever their religion or belief, will be treated equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

Employees who are contracted on a term time only basis and who therefore have no entitlement to take annual leave should request unpaid leave should they wish to take time off for this purpose.

Support staff Employees who are contracted on an all year round basis should request annual leave should they wish to take time off for this purpose. Priority consideration

will be given to Employee's requesting annual leave for the purpose of religious observance.

Requesting leave

All requests should be submitted to the Headteacher/Principal for consideration.

Requests for leave should be planned in advance giving sufficient notice for the Trust to assess the impact of granting leave. All requests should be made in writing to the Headteacher/Principal clearly stating the dates and reasons for requesting time off.

Requests will be considered sensitively and in accordance with the Trust's obligations under the Equality Act. The Trust will endeavour to grant reasonable time off in so far as is practicable and taking into account the needs of the Trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

The decision of the Headteacher/Principal is final and there is no right of appeal.

The outcome of the request will be confirmed in writing.

11 Jury Service and Subpoenaed Witnesses

The Trust will grant Employees paid leave in order to undertake jury service

Eligibility

All Employees, regardless of their length of service, are entitled to paid time off under this provision.

Notifying the Trust

The Employee should advise the Headteacher/Principal as soon as practicable that s/he has been called for jury service and provide a copy of the confirmation of jury service letter received from the court.

Period of leave granted

In the first instance up to 10 days paid leave will be granted. The Trust will extend this in instances where the case continues beyond this period.

Should an Employee not be required to attend court for any whole or part day they should notify the Headteacher/Principal. The Trust may require an Employee to return to work for this period. This may vary depending on the circumstances.

If the Employee's jury service ends before the expected 10-day period the Employee will be expected to return to work.

Payment

The time off for jury service will be paid at normal contractual pay. An Employee will continue to receive their usual salary throughout their period of jury service, however a loss of earnings allowance payable by the court is offset against the Employee's normal salary.

Following the completion of jury service the Employee will receive a payment direct from the court together with a remittance advice. The remittance advice should be

passed to the Headteacher/Principal to enable the amount paid by the court to be deducted from the Employee's salary.

Employees who are subpoenaed to attend court as a witness during their contracted working hours - such time off will be paid.

Should an Employee be required to attend court in a professional capacity on behalf of the Trust – such time will be paid.

Where an Employee is attending court for some other private purpose, paid leave will be at the discretion of the Headteacher/Principal.

12 Time Off for Public Duties

The Trust will grant reasonable paid leave to Employees for the specific purpose of undertaking certain public duties.

- Such duties include: Magistrates / Justices of the Peace / Employment Tribunal panel member
- Member of a Local Authority / Local Councillor or Members of any Committee or Sub-committee thereof.
- Member of certain public authorities – e.g. police, health or education authority, statutory tribunal or member of a prison board of visitors
- School Governor

Time off under these provisions should not exceed a total of 18 days in any 12 month period of the Academic year.

Eligibility

All Employees, regardless of their length of service, are entitled to request time off under this provision.

Employee's should advise the Headteacher/Principal at the time of their appointment if they hold a public position where leave may be granted under this provision. Before agreeing to a public duty, the Employee should discuss the possible implications of the duty with the Headteacher/Principal. Enquiries will not be made prior to an offer of employment being made.

Requesting Leave

Employees should advise the Headteacher/Principal should they be a member of a public organisation who may be entitled to leave under this provision.

All requests should be submitted to the Headteacher/Principal for consideration.

Requests for leave should be planned in advance giving sufficient notice for the Trust to assess the impact of granting leave. The Employee should advise the Headteacher/Principal in writing as soon as practicable of the dates and duration they wish to take leave for public duties. As a guide it is expected that normally not less than 5 working days' notice will be given of the request to take leave under this provision, although this requirement may be waived in exceptional circumstances.

The Trust will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the Trust. The Trust reserves the right to decline / postpone

requests where the amount of time requested becomes excessive or in instances where granting time off would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

Each request will be considered on its own merits.

The outcome of the request will be confirmed in writing.

The decision of the Headteacher/Principal is final and there is no right of appeal.

Payment

Reasonable paid time off of up to 18 days in any 12 month period will be given for public duties.

13 Time off for Professional Association Duties

The Trust recognises that accredited Trade Union officials are entitled to reasonable time off with pay for the specific purpose of undertaking union duties.

Arrangements under this provision are set out in the Trust Professional Association Recognition Agreement.

14 Reservists.

Eligibility

Employees who are a reservist with the following organisations are entitled to request time off under this provision:

- Territorial Army
- Royal Navy Reserve
- Royal Auxillary Air Force
- Royal Marines Reserve

Notifying the Trust

The Trust requires that all new recruits who are already reservists or existing staff who intend to become reservists inform the Headteacher/Principal as soon as possible that they are, or intend to become, reservists.

Time off for reservist training

Employees should seek to undertake training activities at weekends or outside of the Trust term, where possible.

Should an Employee wish to request time off for training they should do so in writing to the Headteacher/Principal as soon as practically possible. Proof of attendance may be required.

Where training takes place during the school term the Trust will grant Employees up to 2 weeks paid leave in any year.

Call up for Military Operations

Should an Employee be called up they should advise the Headteacher/Principal as soon as practicable and present his/her mobilisation papers / letter from the MOD, outlining the date, and possible duration, of his/her mobilisation.

All requests should be submitted to the Headteacher/Principal for consideration. The Trust will only seek to apply for an exemption or deferral of the Employee's mobilisation in exceptional circumstances.

It is not the Trust's policy to continue to pay a reservist while they are absent on military operations therefore the Employee's salary will cease on their first day of absence. During this period the Employee will receive payment directly from the MOD.

Rights on return

An Employee has the right to return to their former job within 6 months of demobilisation on terms and conditions which are no less favourable than had they not been absent.

Continuity of Service

Continuity of employment is not affected by a period of mobilisation however the period that the Employee was absent from work will not count towards continuous service entitlement.

The outcome of any request and any terms relating to the leave will be confirmed in writing.

15 Special Constables and Retained Fire-fighters

The Trust will grant 10 days paid leave to Employees for the specific purpose of undertaking duties associated with the above activities.

Eligibility

All Employees, regardless of their length of service, are entitled to request time off under this provision.

Notifying the Trust

The Trust requires that all new recruits who already have responsibilities under these provisions or existing staff who intend to take on such responsibilities, inform the Headteacher/Principal as soon as possible.

Requesting Leave

Employees should advise the Headteacher/Principal should they be entitled to leave under this provision.

All requests should be submitted to the Headteacher/Principal for consideration, on behalf of the governing body.

Requests for leave should be planned in advance giving sufficient notice for the Trust to assess the impact of granting leave. The Trust will endeavour to grant reasonable paid time off in so far as is practicable taking into account the needs of the Trust.

The outcome of the request will be confirmed in writing by the Headteacher/Principal.

16 Time off for Medical Appointments & Screening.

Prior approval must be sought for time off for medical appointments / screening during working hours.

Wherever possible, routine medical appointments / medical screening should be made outside of working hours. Should this not be possible the Academy will allow reasonable paid time off to attend such appointments, where the request is supported by an appointment card or letter. Whenever possible, appointments should be made at the beginning or end of the Academy day to minimise absence during working hours.

The Academy reserves the right to require an Employee to reschedule non urgent appointments where their absence would have an adverse impact on the operation of the Academy.

Time off for medical appointments will not be recorded as sickness absence.

17 Time off to attend ante-natal appointments

A female employee is entitled to a reasonable amount of paid time off for the purpose of ante natal care. The husband, partner or civil partner of a pregnant woman has the statutory right to take unpaid time off work to accompany them to up to 2 ante-natal appointments although employees of the Trust will be entitled to two days paid leave for attendance at ante natal classes.

The Academy may require employees to provide evidence of these appointments and of their pregnancy.

18 Election duties

Employees will be granted reasonable unpaid leave of absence of up to 10 days if engaged in duties pertaining to their candidacy in a Parliamentary, County or District or Borough election at the Principal's discretion.

19 Time off for Elective Procedures

To enable an Employee to attend appointments associated with elective procedures such as cosmetic surgery, flexible working arrangements may be considered at the discretion of the Headteacher/Principal.

Employees may take paid leave for one cycle of IVF.

Alternatively unpaid leave or annual leave (in the case of employees contracted all year round) may be requested for such absence. An Employee should make the Headteacher/Principal aware of the need for any time off under this provision as soon as practicable.

Should the consequences of the treatment make the Employee unfit for work this would be regarded as sickness absence and the usual absence reporting / certification procedures would apply.

20 Adverse Weather Conditions / Disruption to Travel Arrangements

Employees have a contractual duty to report to work and should make every reasonable effort to attend work in adverse weather conditions or where there are unforeseen and unavoidable travel disruptions - even if their arrival is delayed.

However the Headteacher/Principal will have due regard to the health and safety of employees and may use their discretion in making appropriate alternative arrangements according to local conditions.

In instances where the Headteacher/Principal determine that a Trust site should close - all Employees will continue to receive full pay. However Employees may be expected to undertake reasonable alternative duties including working from home or attending another site.

Paid absence in other circumstances is entirely at the discretion of the Headteacher/Principal and will only be granted with the prior approval of the Headteacher/Principal.

Paid leave should only be considered once all other reasonable options - including working from home or / at another site / making up lost time / taking annual leave / have been considered.

The Trust recognises that it may not always be possible for the Employee to notify the Headteacher/Principal in advance that they will be unable to get to / will be late arriving at work. However the Employee should endeavour to inform the Headteacher/Principal as soon as is reasonably practicable in accordance with the agreed reporting arrangements for the Academy.

21 Paid leave for other circumstances.

The Trust may grant paid leave for other circumstances as follows. Proposed absences should always be discussed with the Principal in advance and agreement sought.

Circumstances in which paid leave may be considered include:

- Moving House (where it is not possible for this to take place outside of the employee's normal working hours) –1 day.
- Attending a job interview for a post within local government or a maintained school. – At the Principals discretion (nb, where an employee is at risk of redundancy reference should be made to the Redundancy and Restructure Policy)
- Attendance at the graduation ceremony of child – 1 day.
- Attendance at the wedding / christening of an immediate family member – 1 day.
- Sitting an examination relevant to the employee's professional development -1day (in exceptional circumstances this may be increased).

Requests for such leave should be made in writing to the Headteacher/Principal as soon as the need to take leave is known. Each request will be considered on its own merits, balanced against the operational needs of the Trust and granted at the discretion of the Headteacher/Principal.

The outcome of any request and any terms relating to the leave will be confirmed in writing.

The decision of the Headteacher/Principal is final and there is no right of appeal.

22 Unpaid leave

The Trust may exceptionally grant unpaid leave for no more than 4 weeks for reasons others than those specified in this procedure.

Requests for such leave should be made in writing to the Headteacher/Principal. Each request will be considered on its own merits, balanced against the operational needs of the Trust and granted at the discretion of the Headteacher/Principal.

The outcome of any request and any terms relating to the leave will be confirmed in writing.

The decision of the Headteacher/Principal / Principal is final and there is no right of appeal.

23 Maximum Time off under these provisions / Concerns regarding absence

It should be noted that the school will not usually grant a combined total of more than 10 days with pay and 10 days without pay in any 12 month period for time off taken within the following provisions:

- Time off for dependents
- Compassionate leave
- Leave for other circumstances

24 Suspected Abuse of Special Leave Provisions

It is expected that Employees will only request and take leave specifically for the purpose stated.

Where it is suspected that a fraudulent request had been made or leave not used for the stated purpose, the Trust may, after appropriate investigation address the matter through its disciplinary procedure.

25 Unauthorised Absence

Where an Employee fails to adhere to the notification requirements set out in this procedure or takes leave where it has previously been refused by the Headteacher/Principal, any absence may be regarded as unauthorised and, after appropriate investigation, be addressed via the Trust's Disciplinary Procedure.

Should a request for special leave be declined and the Employee subsequently takes unauthorised leave – this may be addressed via the Trust's Disciplinary Procedure.

26 Pension Contributions

Employees should refer to the conditions of the Local Government Pension Scheme and Teachers' Pension Scheme for provisions relating to pension contributions during periods of unpaid special leave. Pension payments will continue to be made during periods of paid leave.

27 Disputes

The decision of the Headteacher/Principal regarding granting requests for leave is final and there is no right of appeal.

Employees should discuss the reasons for any refused leave requests informally with the Headteacher/Principal.

Disputes regarding the application of special leave provisions should be addressed via the Trust's Grievance Procedure.

28 Record Keeping

Notes may be taken of all discussions and formal / informal meetings held with Employees relating to a request to take special leave. Where notes are taken a copy will be made available to the Employee.

The Employee may be asked to complete a leave request form when applying for leave under the provisions of this document. Records will be kept of leave taken for monitoring purposes.

29 Monitoring of special leave

In order to manage special leave effectively the Trust will record, monitor and review requests and leave granted on an individual and whole Trust basis.