

Ysgol Aberconwy



Special Leave Policy

POLICY DOCUMENT NO: 51 ISSUE NO: 5

THIS POLICY HAS BEEN APPROVED BY THE FULL GOVERNING BODY

Signed:

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1.0 Introduction

This policy aims to inform employees and the headteacher of the range of leave options and other associated provisions available. The Governing Body recognises that the effectiveness of the school depends on the commitment of staff. It is also acknowledged that a fair and balanced policy on leave of absence and time off from work contributes to the maintenance of staff morale/wellbeing and thereby to the success of the school. This policy does not form part of any employee's contract of employment.

2.0 Scope

This policy applies to all employees of the school (as defined by the Employment Rights Act).

The provisions within the policy are not exhaustive and if any requests for leave fall outside this policy, the headteacher may discuss with the Governing Body and if necessary, refer the matter to the LA Human Resources team.

3.0 Policy Principles

- 3.1 The school will act sympathetically in situations envisaged by this policy and recognises the benefits to both the school and the employee of applying this policy in a fair, reasonable and consistent manner.
- 3.2 Each request must be judged on its merits considering the needs of the school. The headteacher will have discretion in determining whether special leave with pay or unpaid leave will be granted, whilst considering the legal right of employees to a reasonable amount of unpaid time off to deal with unexpected situations.
- 3.3 The purpose of special leave and unpaid leave is to enable the employee to deal with immediate issues and sort out longer-term arrangements if necessary.
- 3.4 Whilst operational needs and individual attendance records may be considered, special leave with pay and unpaid leave will not be withheld unreasonably.
- 3.5 Employees will not be entitled to payment in lieu of special leave.
- 3.6 Employees have a responsibility not to abuse the provisions available. Any abuse of provisions may lead to disciplinary action being taken.
- 3.7 Consideration of banked leave should always be looked at first prior to any requests for special leave (only applicable to support staff on a 52 week contract).
- 3.8 Schools are open for 195 days (39 weeks) per year and it is therefore expected that employees will be able to make necessary arrangements to take time off in periods of

school closure. However, it is recognised that some absences from school may be unavoidable and may fall within these guidelines.

4.0 Procedure

4.1 Requests for planned leave of absence should be made in writing using the “Absence Request Form” (yellow exeat) and should include the full reasons for the request which make clear why the leave cannot be taken during a normal school closure period. The request should be made with as much notice as possible so that proper consideration can be given to the request and to enable appropriate cover to be arranged.

4.2 Requests for leave of absence will be considered taking into account:

- The principles of this policy
- The best interests of the children and the school
- Treating staff in a fair, reasonable and consistent way
- National and Local Terms and Conditions of Service

5.0 Carers Leave with Pay

Employees may be considered for up to **three days in total special leave** with pay on caring grounds within an academic school year. This amount is pro rata for employees who work part time.

Special leave with pay may be considered in the following situations:

5.1 Emergency Carer’s Leave (the unforeseen breakdown of care arrangements for a person for whom the employee has primary responsibility).

Emergency carer’s leave is available to cover time off for dependents in emergencies, but is not applicable in instances where it is possible to plan in advance. Emergency carer’s leave is for unforeseen matters.

The key factors are that:-

- The employee must have responsibility for the welfare of the “dependent”. A dependent is the partner, child or parent of the employee or someone who lives with the employee as part of the family, e.g. elderly grandparent.
- In cases of illness, injury or where care arrangements break down, a dependent may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.
- There is a sudden onset of carer status.

- No alternative care arrangements are possible.
- The emergency cannot be met by the use of a mutually agreed alteration of the employee's normal working pattern.

Examples of emergencies include:-

- The need to look after a child kept home from school due to illness.
- A dependent suddenly having to be taken to/from hospital, a scheduled visit of a dependent to hospital would not be covered by carer's leave (see separate section below on accompanying a dependent for planned medical appointments).
- To deal with unexpected disruption or breakdown in care arrangements such as the unavailability of a childminder.

5.2 Leave to accompany a dependent to a hospital appointment

Subject to the criteria applied to carer's leave, consideration will also be given to allow employees reasonable time off to accompany a dependent on a planned visit to the hospital/GP or for a test/operation/other clinical procedure. The general guide for this should be up to one day paid leave in any academic year.

6.0 Unpaid Carer's Leave

In addition to section 5 above, employees are entitled to unpaid carer's leave where it is possible to plan in advance to give or arrange care for a 'dependent' (anyone who relies on them for care) who has:

- A physical or mental illness or injury that means they're expected to need to care for more than 3 months.
- A disability (as defined by the Equality Act 2010)
- Care needs because of their old age.

A dependent is defined as an employee's spouse, civil partner, child or parent, any person who lives in the same household as the employee (other than as a lodger or similar), or any other person who would reasonably rely on the employee to provide or arrange care. This does not have to be a family member.

Possible reasons for unpaid carer's leave might be settling official matters such as pensions or legal documents, dealing with care homes or social services, or taking someone to a medical appointment. For further information and support, please see the Carer's UK website.

Employees can take up to one week of unpaid carer's leave in an academic year. A 'week' means the length of time they usually work over 7 days. For examples, if someone usually works 3 days per week, they can take 3 days of unpaid carer's leave, that is, pro-rata. They

can either take a whole week off or take individual days or half days throughout the academic year.

Employees need to give appropriate notice to their manager before they want their unpaid carers leave to start as follows:

- If requesting half a day or a day, the notice period must be at least 3 full days (whilst acknowledging providing more notice, does help the school with planning cover arrangements).
- If requesting more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 full days.

Unpaid carer's leave cannot be refused but the manager can, in consultation with the employee, ask that it is taken at a different time if the employee's absence would cause serious disruption to the organisation. If unpaid carer's leave is delayed, the manager must explain in writing, within 7 days of the request (and before the requested start of the leave), the reason for the delay and agree alternative dates within one month of the requested dates.

Employees are entitled to unpaid carer's leave from their first day of employment and their employment rights (such as holidays and returning to their job) are protected during unpaid carer's leave.

7.0 Bereavement Leave with Pay

Following the death of a close relative, which would include a spouse or significant partner, child, parent, brother, sister, grandparent or grandchild, in-laws or equivalent, employees will normally be given paid special leave of between one and five days depending on the circumstances, including:

- The relationship to and with the individual
- The employee's role in the funeral arrangements and where the relative lived.
- How much special leave they have already taken
- For the bereavement of a close relative up to five days paid special leave can be granted by the headteacher.

A close relative is defined as someone in the employee's immediate family and could be but is not limited to spouse/partner, parent, child, sibling, adoptive child, grandparents, grandchildren, parents in law. However this will need to be discussed on a case by case basis with the headteacher as the definition of a close relative can be different to each individual.

For the bereavement of a distant/extended relative, employees will be given a day's special leave to attend the funeral.

If the funeral is far away or overseas, consideration may be given to additional time off such as unpaid special leave.

Where an employee becomes unwell following a bereavement the schools "Attendance Management Policy" should be followed and the necessary support put in place.

8.0 Parental Bereavement (Leave and Pay) Act 2018

Jack's law, relates to statutory parental bereavement leave. Parents have the right to take up to two weeks parental bereavement leave if they are an employee and their child (a child for which they have parental responsibility) dies under the age of 18 or is still born after 24 weeks of pregnancy. However, it does not cover miscarriages, which happen before 24 weeks.

Employees have this right from the day they start their job and the leave must end in the 56 weeks following the bereavement. If more than one child dies, parents are entitled to two weeks leave for each child.

This leave must be taken in weekly units but does not have to be in consecutive weeks.

During parental bereavement leave, in order to provide support, employees would continue to be paid at their normal rate of pay.

Headteachers can contact the education HR team to discuss the other types of leave and support which may be available in such cases.

For further information or sources of support:

www.sands.org.uk

www.childbereavementuk.org

www.2wish.org.uk

9.0 Time off for Medical Appointments and Screening

Necessary paid time off will be granted for cancer screening and hospital appointments for life-threatening medical matters. This will cover routine and non-routine screening. Employees should try to arrange their appointments to minimise disruption to the school. The employee will be asked to produce an appointment card or letter from a medical practitioner for each occasion which time off is requested to attend an appointment. Please note cancer treatment such as chemotherapy and radiotherapy would be classed as sickness absence.

All other medical/GP/Dental/Hospital appointments must be taken in an employee's own time. In the case of an emergency or where hospital appointments are not available outside of school hours, leave will be granted to attend with pay.

Employees will be given paid time off for attending appointments with Conwy County Council's Occupational Health appointments including management and self-referrals, travel to the appointment and any treatment triggered and arranged via Occupational Health such as physio or Counselling.

9.1 Attendance at appointments in relation to IVF

One cycle of IVF treatment needs around eight to ten attendances at a clinic which normally lasts about an hour at a time. IVF treatment can be needed by either a male, female or non-binary person and on occasions it may be necessary for both parties to attend a clinic for treatment at the same time. This policy applies equally to an employee whose partner is undergoing fertility treatment so that they are available to support them through the treatment.

The school will provide employees with paid time off for appointments for fertility treatment equivalent to 3 days within an academic year. However, if excessive travel is required in order to undergo IVF treatment, consideration should be given by the headteacher to extending the time off to be equivalent to 5 days.

The time off can be taken in hours and will be pro rata for part time employees. Additional time off for IVF treatment within the same academic year may be taken as unpaid leave.

The employee should notify the headteacher as early as possible if they wish to take time off for fertility treatment and give as much notice as possible of the specific dates on which time off will be required. Headteachers should be aware that occasionally employees undergoing IVF treatment are required to attend for appointment at short notice and staffing arrangements may be disrupted.

The employee will be asked to produce an appointment card or letter from a medical practitioner for each occasion on which time off is requested to undergo fertility treatment.

If the employee is unwell after the procedure, the usual Attendance Management Policy would apply.

10.0 Other Special Leave Provisions

10.1 Court Appearance

An employee receiving a summons to service on a jury must discuss this with the headteacher who will approve paid leave of absence. In accordance with Her Majesty's Court Service regulations, an employee of the school who is serving as a juror shall be paid their normal salary during this period. The employee should claim expenses for their travelling and subsistence from the Court Service. A supply employee who is serving as a juror can claim loss of earnings from the court if they had been booked to work for the period of the jury service.

If an employee is required to attend court, they will be granted paid leave of absence as follows:

- Witness at court (subpoenaed witness), paid time for all attendance subject to reimbursement of any loss of earnings received by the employee.
- Court appearance for the school or Council – employee will be granted paid leave (if this is not part of their normal role)
- EWC Hearing – employee will be granted paid leave to be a witness at a EWC hearing.
- Court appearances as a defendant/plaintiff will be without pay.

10.2 Public Duties

Up to 12 days additional paid leave per academic year will be granted at the discretion of the headteacher for employees to undertake public duties. This may include:

- Service as an Elected Local Authority Councillor or School Governor
- Service as a Magistrate
- Statutory duties such as attendance on Statutory Boards.
- EWC Panel member

If an employee is a Councillor, School Governor, or Magistrate or carries out some other form of public duties, the total will not exceed 12 days per academic year.

10.3 Interview Leave

With the agreement of the headteacher, three days paid leave per academic year will be granted for job interviews related to Local Government or Public Services posts only. Any other interview leave requested will be without pay.

10.4 Graduation Ceremonies

With the agreement of the headteacher, one day paid leave per academic year will be granted to attend either the employees own graduation ceremony, or that of an immediate family member.

10.5 University/College Interviews

With the agreement of the headteacher, up to two days unpaid leave per academic year will be granted to accompany a dependent to a university or college interview process.

10.6 Religious Festival/Ceremony

Attendance as an official representative of a religious body at religious ceremonies or conferences, or time off from work for the observance of any religious festival/ceremony, will be granted without pay up to a maximum of 2 days per academic year.

10.7 Examinations

Leave with pay for employees to sit examinations intended to improve the employee's professional qualifications which are relevant to their current post and career.

10.8 Wedding

An employee will be granted one days paid leave to attend their own wedding. For other close family members or a close friend, one day unpaid leave will be granted for the day of the wedding only.

10.9 Moving House

1 day with pay per academic year where weekend arrangements are not possible. If an employee moves house more than once during an academic year, further leave will be unpaid.

10.10 Other domestic emergencies and situations

In all other situations employees will be expected to request unpaid leave. In exceptional circumstances paid leave may be granted at the discretion of the headteacher. Examples of such situations may include damage to an employee's property due to flood, fire or burglary or adverse weather conditions.

11.0 Quick Guide to Special Leave

The headteacher has oversight and responsibility for the management and smooth running of the school and must be involved in the granting of all Special Leave. The headteacher, will, in every case, consider and balance the needs of the school with those of the employee when authorising special leave. In the absence of the headteacher, the deputy headteacher will have delegated responsibility to authorise Special Leave.

Type	Reason	Paid/Unpaid Time (per academic year)
Carer's Leave	Emergency Carer's Leave	Up to 3 days paid
	Carer's Leave to accompany a dependent to a planned appointment	1 day paid
	Unpaid Carer's Leave	1 week unpaid leave
Bereavement Leave	Bereavement of a close relative	1-5 days
	Bereavement of a distant relative	1 day to attend funeral
Parental Bereavement Leave	Bereavement of a child under the age of 18	2 weeks paid leave
Medical Appointments and Screening	Cancer screening and life threatening illness	Paid time to attend appointments
	Occupational Health Appointments	Paid time to attend appointments
IVF Treatment	To attend appointments in relation to IVF	3 days paid leave
Other Special Leave	Court Appearance – Jury or witness	Paid leave to attend court
	Court Appearance – Defendant/plaintiff	Unpaid leave
	Public Duties	Up to 12 days paid leave per academic year
	Interview Leave	3 days paid leave
	Graduation Ceremonies	1 day paid leave
	University/College Interviews	2 days unpaid leave
	Religious Festivals/Ceremonies	2 days unpaid leave
	Examinations	Paid leave for relevant examinations
	Wedding (own)	1 day paid leave
	Wedding (guest)	1 day unpaid leave
	Moving Home	1 day paid
	Other domestic Emergencies	Unpaid Leave