



MARISH

Academy Trust



Exceptional Leave Policy

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1. Scope

This policy applies to all staff employed at the Marish Academy Trust.

The recognised trade unions have been consulted.

Except in cases of serious urgency, no member of staff may be absent from work for any reason other than their own illness, unless it is with previous permission.

Executive Headteachers/Headteachers have discretion to grant exceptional leave which may be paid or unpaid. This is not an entitlement and there is no automatic right to exceptional leave. Exceptional Leave for the Executive Headteacher is at the discretion of the Chair of the Trustees.

Exceptional leave provisions operate with a high level of trust. Abuse of this trust will be dealt with under the Trust's Disciplinary Procedure.

Staff are encouraged when seeking Exceptional Leave to discuss alternative arrangements where the desired outcome might be achieved through a specific, time limited, flexible working arrangement.

Entitlements to statutory leave such as maternity, adoption, paternity and parental leave are covered under separate procedures.

2. Policy/Purpose

The policy recognises that a work life balance benefits both the organisation and employees, and supports the principle that employees work best when they are able to achieve an appropriate balance between work and other aspects of their lives.

It also recognises that employees will experience difficult circumstances and unforeseen events, for which they will need to take time off work. The Trust will seek to facilitate time off wherever possible. This policy defines the circumstances where paid time off will be given in addition to the options of annual leave and unpaid leave.

This policy outlines the circumstances for which an employee may request time off from work under the Exceptional Leave Policy in any one academic year and the period of time off which can be allowed with pay. For part-time staff, this period will be pro-rata to the number of hours worked. Any request for time off beyond the specified period will be at the discretion of the Executive Headteacher/Headteacher a) whether to grant the leave and b) whether it will be with or without pay.

Where an employee has an entitlement to take annual leave, there will be an expectation that the employee uses their annual leave entitlement in some circumstances instead of requesting exceptional leave.

Attendance is a vital factor for the effective and efficient delivery of a high quality service by Marish Academy Trust.

This policy complements the Trust's Staff Absence Management Policy and is concerned with staff absence other than because of sickness or annual leave.

Marish Academy Trust places great emphasis on the proactive management of staff absence from the workplace, because we are aware of the detrimental impact high levels of absence can have on the whole Trust.

This policy is based on the following principles:

- Employees will be treated equally, fairly and compassionately.
- Enables employees to respond to the needs of their family.
- Line Managers are required to be consistent and robust in dealing with the procedures.
- The Trust has a responsibility to maintain high standards of health, safety and welfare: this includes a duty of care towards all pupils and employees.
- Information received during the application of the procedures will be treated confidentially.
- The Trust leadership is committed to occupational health involvement and health promotion.
- The Trust leadership has a responsibility to ensure the maintenance of education and welfare of pupils with minimum disruption.
- The Trust complies with the Equality Act 2010.

All new employees will be made aware of these objectives as part of the induction process and it is the task of the Line Manager to ensure this is carried out.

Trust staff are expected to model their commitment to good attendance and refrain from requesting holidays during term time. If you need to travel to another part of the UK or go abroad for any reason other than those outlined in this policy, then you must make an exceptional leave request in the normal way which will be considered on an individual basis by the Executive Head/Headteacher.

3. Definition of Close Relative/Dependant

For the purposes of this policy, a close relative is defined as spouse/partner, children (including stepchildren, adopted and current foster children), parents, siblings, grandparents or grandchildren, parent-in-law, or a person to whom the employee is next-of-kin or is nominated as such, or someone where there has been a guardian relationship.

The employee is the person who can demonstrate that they are a principal carer and is clearly the most appropriate person to provide support.

4. Types of Exceptional Leave

The following are circumstances for which exceptional leave may be requested and granted with pay:

4.1 Dependants' Leave

The purpose of dependants' leave is to facilitate an employee taking time off where they have caring responsibilities and need time to deal with an emergency involving a dependant who has been suddenly taken ill.

There can be a number of reasons for an employee requesting dependants' leave which could include accompanying a young or vulnerable dependant to a significant emergency appointment or in-patient stay, or to look after a sick dependant where other arrangements cannot be made.

The maximum level of paid dependants' leave is 3 days per academic year regardless of the number of dependants.

If additional time away from work is needed, over and above the 3-day allocation, the Trust may wish to seek to allow time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

4.2 Serious illness of close relative/dependant

A further 7 days unpaid.

4.3 Bereavement Leave

The purpose of Bereavement Leave is to facilitate an employee making funeral arrangements and/or attending the funeral, in the event of the death of a close relative.

The maximum level of paid bereavement leave is 5 days.

If additional time away from work is needed, over and above the 5-day allocation, the Trust may wish to seek to allow time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

4.4 Attendance of funeral

Attendance at funeral for near relative; 1 or 2 days paid according to distance and circumstances.

4.5 Emergency/Domestic Leave

The purpose of emergency/domestic leave is to facilitate an employee taking time off work in situations where an emergency or unforeseen situation has arisen within the employee's

domestic circumstances. Employees are expected to plan for and use their annual leave, where appropriate, for known events such as school/childminder holidays or routine domestic appliance servicing. Where these arrangements break down unexpectedly, Emergency/Domestic Leave enables the employee to make immediate alternative arrangements. As an example this could be in the event of a childminder being suddenly being taken ill, a day care centre or school closing at short notice, an incident occurring at a child's school, or in the event of the employee suffering flood, fire or burglary.

The maximum level of paid emergency/domestic leave is 3 days per academic year.

If additional time away from work is needed, over and above the 3-day allocation, the Trust may wish to seek to allow time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

4.6 Religious Festivals

The Trust can allow an employee to take up to 3 days (1 with pay, 2 unpaid) each academic year for observance of Religious Festivals or cultural activities. Time off with pay should only be allowed where the religious festival is celebrated by the whole of the affected community on a national/international level.

Where an employee has an entitlement to take annual leave, they would be expected to use their annual leave for this purpose and would not be granted time off under this policy.

4.7 Wedding of Close Relative

The maximum level of paid leave is 1 day per academic year. Where an employee has an entitlement to take annual leave, they would be expected to use their annual leave for this purpose and would not be granted time off under this policy.

4.8 Own wedding or civil partnership

Negotiable depending on circumstances.

4.9 Moving House

The maximum level of paid leave is 1 day per academic year to allow an employee to move household effects to their new home. Where an employee has an entitlement to take annual leave, they would be expected to use their annual leave for this purpose and would not be granted time off under this policy.

4.10 Attend Job Interviews

Paid leave from 1 to 2 days per academic year may be given depending on interview arrangements and the distance involved in attending. This period may be extended in exceptional circumstances on an unpaid basis. Where an employee has an entitlement to take annual leave, they would be expected to use their annual leave for this purpose and would not be granted time off under this policy.

4.11 Examination Attendance

1 day paid for the first sitting of approved examinations that are applicable to the post held, further unpaid leave may be negotiable.

4.12 Own graduation ceremony

1 day paid.

4.13 Further Education or training– Day or part day release

Negotiable with Executive Headteacher/Headteacher depending on the needs of the school and how the training relates to the employee's role within school.

Any request for leave other than those specified above will not normally be granted.

5. Unauthorised Absence

Where an employee is absent from work without permission without an acceptable explanation, pay will be deducted and action will be taken under the Trust's Disciplinary Procedure.

6. Requesting Exceptional Leave

The Executive Headteacher, Headteacher or ALT line manager may suggest an informal arrangement where a flexible, time-limited, working arrangement can provide the employee with the time absent from school needed to meet any out of school commitment. If no informal arrangement can be made, Exceptional Leave must be applied for.

Employees must make all requests for exceptional leave in writing to the Executive Headteacher/Headteacher, using the Exceptional Leave Request Form at Appendix 2. The Executive Headteacher must similarly submit their own personal requests for exceptional leave in the same way to the Chair of Governors.

Wherever possible, applications for exceptional leave should be made at least 3 weeks before the leave is taken. In circumstances where this is not possible (for instance, in unforeseen or emergency situations) the employee should telephone their line manager as soon as possible to let them know why they are absent and how long they may be absent for. At this stage the line manager should make it clear that an application for exceptional leave can be made but that it may not be granted. If it is not granted, unpaid leave or annual leave may be authorised instead. Applications not made prior to the leave being taken must be submitted immediately on return to work.

The employee will be told by return of their request form of the Trust's decision to allow or refuse Exceptional Leave no later than 10 working days after the application is made.

Exceptional leave must be recorded on the employee's personnel file and appropriately recorded and notified on the appropriate return to your payroll provider.

7. Appeals

If a request for Exceptional Leave by an employee (other than the Executive Headteacher) is refused and the employee thinks that the refusal is unreasonable an appeal can be made by the employee to the Chair of Trustees. The appeal must be in writing no later than 14 days after the decision is made known to the employee. The appeal should clearly state why the decision is felt to be unreasonable.

The Chair of Trustees will make a final decision on the application and inform the employee within 5 days of receipt of the appeal.

If a request for Exceptional Leave by the Executive Headteacher is refused s/he may appeal in the same manner to the full Governing Body for a new final decision.

8. Recording Exceptional Leave of Absence

Staff must inform their Line Manager and the Staff attendance team if called to any emergency. Staff must sign out of school.

The Trust HR Manager will keep a record of all Exceptional leave requested and if it was granted, and of appeals made.

The Academy Trust's Payroll provider will be notified of any unpaid leave that has taken.

9. Public Holidays

All employees shall, irrespective of length of service, be entitled to a holiday with a normal day's pay for each bank holiday as it occurs. Part-time staff will receive paid bank holidays pro rata. Staff who are required to work on bank holidays will receive appropriate pay and time off in lieu.

10. Court Attendance

10.1 Jury Service

An employee receiving a summons to serve on a jury must inform the Executive Headteacher/Headteacher who shall grant leave of absence unless exemption is secured. If the employee's absence from work would have a serious, adverse effect on an important aspect of the Academy Trust's activities, the Chair of Trustees or Executive Headteacher may provide a letter to this effect which the potential juror can then use to seek being excused from jury service.

Any Trust employee will be paid at full pay during any jury service on provision of proof of jury attendance.

10.2 Attendance to Court as a Witness

Leave with pay will be granted to employees who are subpoenaed by the Court to attend to give evidence as a witness in criminal cases which have no connection with their employment for the Academy Trust.

11. Public Service Leave

Paid leave will be granted to employees required to undertake official duties relating to membership of public bodies including service in support of the democratic process and as a School Governor (other than at Marish Academy Trust). Written confirmation will be required to support the leave request subject to the needs of the service.

Up to 5 days in total with pay per year may be granted to employees to enable them to undertake duties as a Councillor, Magistrate or School Governor.

(This excludes those bodies defined in regulations under the Local Government and Housing Act 1989 to which restrictions apply for politically restricted posts.)

12. Local Government Pension Scheme Members – buying ‘lost’ pension

Any period of authorised **unpaid** leave of absence will not count for pension purposes. Members of the Local Government Pension Scheme can elect to pay Additional Pension Contributions (APCs) to buy back the ‘lost’ pension.

If the member makes their election to buy the ‘lost’ pension within 30 days of returning to work from the authorised unpaid leave, the cost of buying the ‘lost’ pension is shared between the member and the employer with the member paying 1/3rd of the total cost and the employer paying 2/3rds of the total cost. This is known as a Shared Cost Additional Pension Contract (SCAPC).

Where authorised unpaid leave has been approved, the Headteacher will inform the employee of the effect of the unpaid leave on their pension and their right to choose to buy ‘lost’ pension. The model letter at **Appendix 5** can be used for this purpose.

The process of buying ‘lost’ pension is set out in the flowchart at **Appendix 4**.



13. Appendices

Dealing with Requests for Exceptional Leave - Management Guidance

This guidance is provided with the aim that it will assist headteachers and managers in making their decision when dealing with requests from their employees for exceptional leave.

a) Bereavement Leave

Requests to attend funerals should be considered sympathetically. It is recognised that individual circumstances are many and varied and there may need to be discussions with the employee in order to determine the full circumstances when responding to requests for time away from work under this policy.

Managers should seek to establish details such as the time and location of the funeral, the closeness of the relationship; and available alternatives, if bereavement leave is not appropriate.

b) Emergency/Domestic Leave

Emergency/Domestic Leave is clearly intended to assist employees in dealing with unexpected problems which cannot be planned for in the normal way.

Circumstances for which Emergency/Domestic Leave is authorised are varied and whilst it is a difficult time for the employee, managers have a right to satisfy themselves that the application is appropriate.

Unexpected emergencies can be dealt with in a relatively short period of time but decisions as to how much time is reasonable may need to be made very quickly and depend on the circumstances of the emergency. For example, a house fire or a burglary may require immediate time off work to resolve essential matters/problems.

If, in the circumstances, the employee is unable to discuss the nature and extent of the problem when telephoning the manager to let them know that they will not be attending that day, further discussion must take place as soon as possible or immediately on return to work.

c) Dependants' Leave

When considering requests for dependants' leave and the time given, managers should recognise the needs of service delivery, whilst at the same time recognising the employee's need to undertake their caring responsibilities.

In make these decisions, managers should consider:

- Is the person requiring care a 'dependant' as defined by the policy?
- Managers may have some awareness of the personal circumstances of their employees and may be able to make informed judgements without making further enquiries.
- Where it is not apparent what the nature of the dependant relationship is, it will be necessary to explore the situation sensitively with the employee to ascertain whether the request falls within the provisions for dependants' leave.

Exceptional Leave Request Form		
Employee to complete		
Name:		
Job Title:		
From (date):	To (date):	
From (hours):	To (hours):	
Please give reasons for request (please see guidelines attached)		
Evidence attached: <input type="checkbox"/> (leave will not be authorised without your evidence attached)		
Employee's Signature:		Date:
Line Manager's Signature:	Name (print)	Date:
ALT Manager/HR to complete		HR to complete
Authorised request for: Paid Exceptional Leave for: _____ days *Unpaid Exceptional Leave for: _____ days		HR received form on (date): Pupil Asset updated by and on: (date and name) Approved Leave written in the main diary on and by:
Leave Rejected (reason)		
ALT Authorisation Signature:	Name (print)	Date:

A copy of this form should be retained on the employee's personal file.

***Where the employee is a member of the Local Government Pension Scheme please see Section 7 of the Exceptional Leave Policy for further guidance in relation to the effect on pension and their choice to buy back 'lost' pension.**

NB for Managers:

Please remember to inform your payroll provider so that any appropriate adjustments can be made to the employee's pay, if necessary.

Completing the Exceptional Leave Request Form – Guidance for Employees

In order that your request for exceptional leave may be looked at sympathetically, it is important to provide details of the reason for the request. The following guidelines clarify the type of information that is required:

Bereavement Leave

Please indicate:

- Your relationship to the deceased, i.e. husband, wife, partner, parent, child, brother, sister etc. (please refer to Section 3 Definition of Close Relative);
- The place where the funeral is to take place and if you need time off to travel there; and
- Any other relevant details, such as responsibility for making funeral arrangements.

Dependants' Leave for illness of a child

Please indicate:

- The age of the child;
- The nature of the illness; and
- Any other relevant details.

Dependants' Leave for illness of other close relatives

Please indicate:

- Your relationship to the person who is ill;
- The nature of the illness; and
- Any other relevant details, e.g. demonstrating that you are the principal carer and are clearly the most appropriate person to provide support.

Emergency/Domestic Leave

Please indicate:

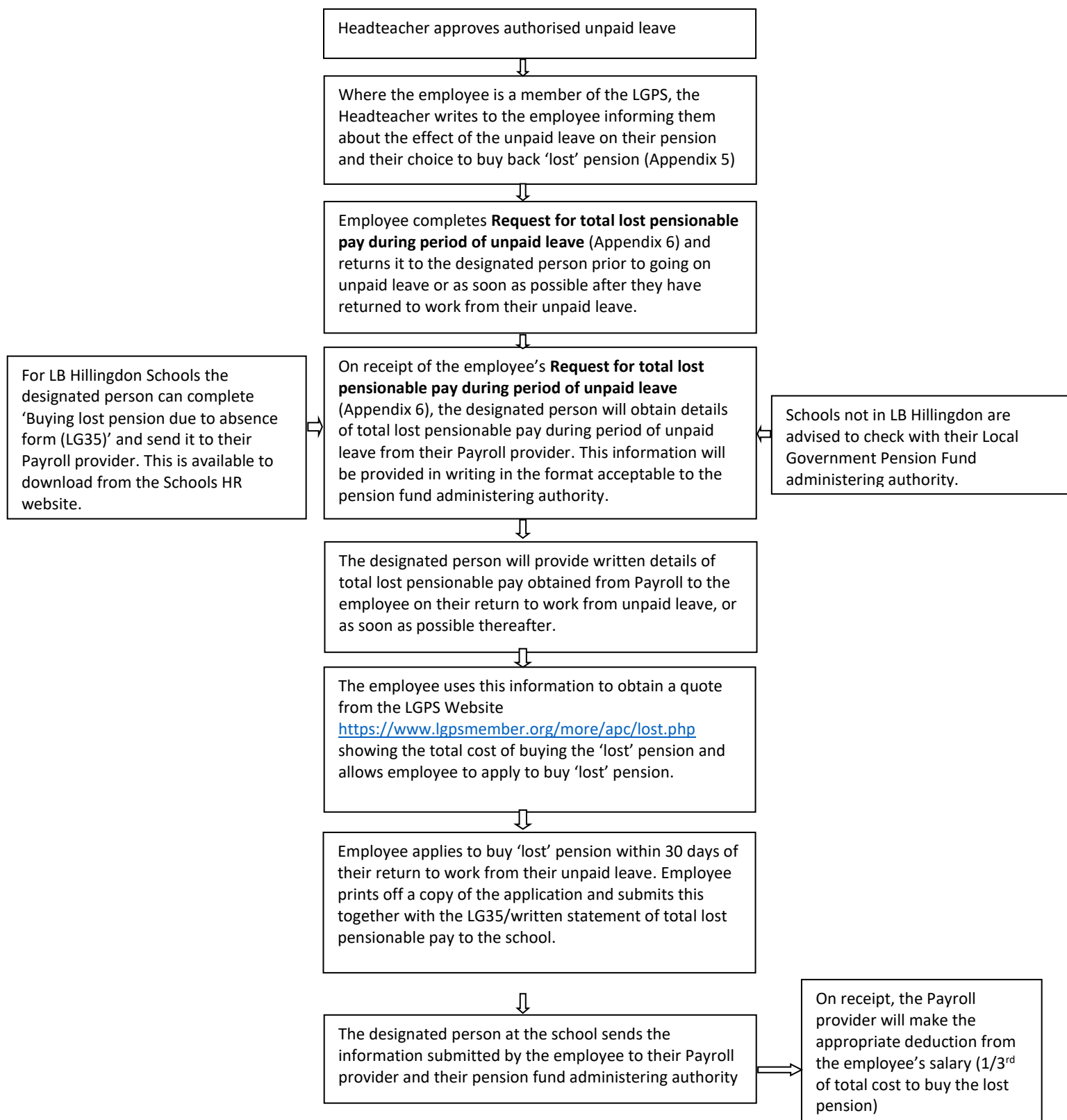
- State type of emergency e.g. burglary etc.
- If emergency is relating to the breakdown of care arrangements at the last minute, please give details of type of care arrangements and your relationship to the dependant
- Any other relevant details.

Request for Exceptional Leave to attend Job Interview

Please indicate:

- The format of the interview and the duration as given by the company;
- The location and the extent of travelling involved; and
- Any other relevant details.

Process of buying 'lost' Pension



Dear

Authorised Unpaid Leave

Local Government Pension Scheme Member – Buying ‘lost’ pension

I refer to your request for leave under the Trust’s Exceptional Leave Policy for the period from *(date)* to *(date)*.

I have authorised the leave **without** pay and enclose a copy of the signed Exceptional Leave Request Form for your information.

Any period of authorised **unpaid** leave of absence will not count for pension purposes. You can however elect to pay Additional Pension Contributions (APCs) to buy back the ‘lost’ pension. If you elect to buy the ‘lost’ pension within 30 days of returning to work from your period of unpaid leave, the Trust will pay 2/3rds of the total cost of buying the ‘lost’ pension and the remaining 1/3rd of the total cost of buying the ‘lost’ pension will be paid by you by way of a deduction from your salary.

If you are interested in buying the ‘lost’ pension please sign the attached **Request for total lost pensionable pay during period of unpaid leave** and return it to *(insert name of designated person)* prior to going on leave or as soon as possible following your return to work from your period of unpaid leave. The Trust will provide you with details of the total lost pensionable pay for the period of the unpaid leave on your return to work from your period of unpaid leave, or as soon as possible thereafter. This information will enable you to obtain a quote from the Local Government Pension Website <https://www.lgpsmember.org/more/apc/lost.php> showing the total cost of buying the ‘lost’ pension and allow you to apply to buy ‘lost’ pension should you choose to do so.

Your sincerely

Headteacher

Request for total lost pensionable pay during period of unpaid leave

I have been granted authorised unpaid leave from *(date)* to *(date)*.

I am aware that this period will not count for pension purposes unless I make an election to pay Additional Pension Contributions to buy back the 'lost' pension.

I am aware that if I elect to buy the 'lost' pension within 30 days of returning to work from the period of the unpaid leave, 2/3rds of the total cost of buying the 'lost' pension will be paid by the Trust and I will be responsible for paying 1/3rd of the total cost of buying the 'lost' pension. My share of the payment will be deducted from my salary.

I am interested in buying the 'lost' pension and would like to request details of total lost pensionable pay for the period of unpaid leave so that I can obtain a quote for the total cost of buying 'lost' pension.

Name: _____

Position: _____

Signature: _____

Date: _____

Please return this request for information to *(insert name of designated person)*.

14. Revision History

Version	Date	Author	Comments
1.0	March 2011	EHT	
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3.0	December 2014	EHT	
4.0	August 2017	EHT	
5.0o	February 2021	HR lead	
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15. Approval History

Version	Approved	Comments
1.0	March 2011	
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