

# Special Leave Policy

## Marish Academy Trust



<b>Approved by:</b>	Strategic Board	<b>Date:</b>
<b>Policy reviewed and updated:</b>	February 2025	
<b>Date of next review:</b>	February 2027	
<b>This policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate.</b>		

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## 1 Scope

This policy applies to all staff employed in schools and academies who wish to take special leave in the defined circumstances as set out in this policy.

Statutory leave entitlements such as maternity, adoption, paternity, parental and parental bereavement leave are covered by separate policies.

Within this policy, references to the School, Headteacher, Governing Board and the Chair of Governors will, for Academies and Academy Trusts, be taken to mean a reference to the appropriate equivalent within those establishments.

The recognised trade unions have been consulted.

## 2 Policy Purpose

This policy recognises that a work-life balance benefits both the school and its employees and supports the principle that employees work best when they are able to achieve an appropriate work-life balance.

It also recognises that sometimes employees will experience difficult circumstances and unforeseen events, for which they will need to take time off work. Here, the school will seek to facilitate time off wherever possible.

This policy outlines the circumstances in which an employee may request time off from work (Special Leave) in any one academic year and the amount 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.

Headteachers will have discretion to grant Special Leave which may be paid or unpaid. Consideration will also be given to alternative options such as annual leave. Where an employee has an entitlement to take annual leave, there will be an expectation that the employee uses their annual leave entitlement in circumstances where that is considered appropriate instead of requesting Special Leave.

Any request for time off beyond the specified period will be at the discretion of the Headteacher who will decide (i) whether to grant the leave and (ii) whether it will be with or without pay.

The Management Guidance at **Appendix 1** is to assist Headteachers when considering requests under this policy.

Special Leave provisions operate with a high level of trust. Abuse of this trust will be dealt with under the school's Disciplinary Policy & Procedure.

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.

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, the following definitions will apply:

“Close relative”:

- Spouse/partner (includes civil partner)
- Child (includes stepchildren, adopted, and current foster children)
- Grandchild
- Parents/parents-in-law
- Grandparents
- Siblings
- A person to whom the employee is next-of-kin or is nominated as such, or someone where there has been a guardian relationship.

“Dependant”:

- Spouse/partner (includes civil partner)
- Child
- Grandchild
- Parent
- Person who lives with the employee in the same household other than as their employee, tenant, lodger, or boarder
- Any other person who would reasonably rely on the employee for assistance if they fell ill or were injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury.

The employee must be able to demonstrate that their relationship is one where they are the principal carer and clearly the most appropriate person to provide support to the dependant.

### 4 Types of Special Leave

The following are circumstances in which Special Leave may be requested and granted with pay:

#### 4.1 Bereavement Leave

The purpose of Bereavement Leave is to allow an employee time off following the death of a close relative/dependant (as defined in Section 3 of this policy) to make the necessary funeral arrangements and/or attend the funeral.

The maximum level of paid Bereavement Leave is 5 days per close relative/dependant.

If additional time away from work is needed, over and above the 5 days allocation, the school may require the employee to take that time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

Where the bereavement leave is for the death of a child (under 18 years), the employee (parent), if eligible, may wish to exercise their statutory right to Parental Bereavement Leave as outlined in the Parental Bereavement Leave & Pay Policy. However, that leave would not be in addition to any bereavement leave taken under this policy.

## 4.2 Emergency/Domestic Leave

The purpose of Emergency/Domestic Leave is to facilitate an employee taking time off work in the case of an emergency or where an unforeseen situation has arisen within the employee's domestic circumstances. This could include incidents of a flood, fire, or burglary.

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. However, where these arrangements break down unexpectedly, Emergency/Domestic Leave enables the employee to make immediate alternative arrangements.

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 days allocation, the school may require the employee to take that time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

## 4.3 Dependants Leave

The purpose of Dependants Leave is to facilitate an employee taking time off work where they have caring responsibilities and need time to deal with an emergency involving a dependant (as defined in Section 3 of this policy).

An employee may request Dependants Leave for the following reasons:

- To provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- To make arrangements for the provision of care for a dependant who is ill or injured
- In consequence of the death of a dependent (see Bereavement Leave above, Section 4.1 of this policy)
- Because of the unexpected disruption or termination of arrangements for the care of a dependant
- To deal with an incident involving a child of the employee that occurs unexpectedly during a period when the child is attending school (e.g. if the child is involved in a fight, injured on a school trip or suspended from school).

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 days allocation, the school may require the employee to take that time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

**NB:** Dependants Leave is a statutory entitlement where the employee is entitled to reasonable unpaid time off to care for their dependants.

## 4.4 Religious Festivals – Religion or Belief

If the timing of an employee's religious festival or special cultural activity falls during a normal school day, the Trust can grant up to a maximum of 3 days (1 paid, 2 unpaid) per academic year.

Employees should give as much notice as possible to enable cover arrangements to be made.

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.

#### 4.5 Wedding/Civil Partnership of Close Relative

The maximum level of paid leave is 1 day per academic year to attend the wedding/civil partnership of a close relative.

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.

#### 4.6 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.

#### 4.7 Attending Job Interviews

Paid leave from 1 to 3 days per academic year may be granted depending on the interview arrangements and the distance involved in attending the interview. This period may be extended in exceptional circumstances.

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 Serious illness of close relative/dependant

A further 7 days unpaid.

#### 4.9 Attendance of funeral

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

#### 4.10 Own wedding or civil partnership

Negotiable depending on circumstances.

#### 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.

#### 4.14 Banked days

Please see appendix 7 for guidelines.

## 5 Requesting Special 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 Special Leave in writing to the Headteacher, using the Special Leave Request Form at **Appendix 3** and taking into account the Guidance at **Appendix 2**.

Headteachers must similarly submit their own personal requests for Special Leave in the same way to the Chair of Governors.

Wherever possible, applications for Special 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 reasonably practicable 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 Special 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 which cannot be made prior to the leave being taken must be submitted immediately upon return to work.

Special Leave must be recorded on the employee's personnel file and appropriately recorded and notified on the appropriate return to the school's payroll provider.

## **6 Unauthorised Absence**

Where an employee is absent from work without permission and without an acceptable explanation, pay will be deducted (if applicable) and action will be taken under the school's Disciplinary Policy & Procedure.

## **7 Local Government Pension Scheme (LGPS) Members – buying 'lost' pension**

Any period of unpaid leave under this policy 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.

Where 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 employee can then apply, if they wish to do so, using the model letter at **Appendix 6**.

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 1/3<sup>rd</sup> of the total cost and the employer paying 2/3<sup>ds</sup> of the total cost. This is known as a Shared Cost Additional Pension Contract (SCAPC).

The process for buying 'lost' pension is set out in the flowchart at **Appendix 4**.

## Appendix 1: Dealing with Requests for Special Leave – Guidance for Management

This Guidance is provided with the aim that it will assist Headteachers in making their decision when dealing with requests from their employees for Special Leave. All decisions must be recorded.

### 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.

Managers should be aware that where a request is from an employee (parent) regarding the death of a child, they may have, if eligible, a statutory entitlement to Parental Bereavement Leave and Pay under the school's Parental Bereavement Leave & Pay Policy.

### 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 in 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 will 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 work that day, further discussion must take place as soon as possible or immediately on their return to work.

### c) Dependants Leave

When considering requests for Dependants Leave, managers should consider whether the person requiring care is a 'dependant' (as defined in Section 3 of this policy) and the need to undertake their caring responsibilities.

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.

### d) Religious Festivals



When considering whether to grant leave for the observance of religious festivals, Headteachers should, in addition to the general criteria set out below, take into account the number of requests that the school receives for the same event at any given time.

**e) Relevant criteria for exercising discretion:**

When considering requests for leave under this policy, the Headteacher should take into account the following:

- The school's consistent approach in dealing with requests to ensure transparency in the process.
- Balancing requests for Special Leave with the operational needs of the school to ensure that granting an employee Special Leave does not have a detrimental impact on the school or cause undue disruption to other employees.
- The requirement to promote a culture of a positive work-life balance within the school.
- If applicable, whether adequate notice has been given.

## Appendix 2: Completing the Special Leave Request Form – Guidance for Employees

In order that your request for Special 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, (please refer to Section 3 of this policy - Definition of Close Relative/Dependant);
- The place where the funeral is to take place and if you need time off to travel there;
- Any other relevant details, such as responsibility for making funeral arrangements.

### **Dependants Leave**

Please indicate:

- Your relationship to the Dependant (please refer to Section 3 of this policy);
- Reasons why the leave is required (please refer to Section 4.3 of this policy);
- Any other relevant details, e.g. demonstrating that you are the principal carer and/or that the Dependant relies upon you to make arrangements for the provision of care.

### **Emergency/Domestic Leave**

Please indicate:

- Type of emergency e.g. flood, house fire, or burglary etc.

### **Attendance at Job Interviews**

Please indicate:

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

**NB:** In applying for leave under this policy, employees are expected to:

- Make any request for leave in accordance with the provisions and timescales set out in this policy.
- Take leave only for the specific purpose for which it is requested.
- Show consideration to the operational needs of the school and respect to colleagues when making leave requests.

**Appendix 3: Special Leave Request Form**

**Special Leave Request Form**

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

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

**NB for Managers:** A copy of this form should be retained on the employee's personnel file. Please remember to inform your Payroll provider so that any appropriate adjustments can be made to the employee's pay, if necessary.

## Appendix 4: Process for buying 'lost' pension - Flowchart

### Process for buying 'lost' pension - Flowchart

Headteacher approves authorised unpaid leave



Where the employee is a member of the LGPS, and takes unpaid leave, the Headteacher writes to the employee informing them about the effect of the unpaid leave on their pension and their choice to buy back 'lost' pension (Appendix 5)



Employee completes **Request for total lost pensionable pay during period of unpaid leave** (Appendix 6) and returns it to the designated person prior to going on unpaid leave or as soon as possible after they have returned to work from their unpaid leave.



For LB Hillingdon schools the designated person can complete 'Buying lost pension due to absence form (LG35)' and send it to their Payroll provider. This is available to download from the Schools HR website.



On receipt of the employee's **Request for total lost pensionable pay during period of unpaid leave** (Appendix 6), the designated person will obtain details of total lost pensionable pay during period of unpaid leave from their Payroll provider. This information will be provided in writing in the format acceptable to the pension fund administering authority.



Schools not in LB Hillingdon are advised to check with their Local Government Pension Fund administering authority.



The designated person will provide written details of total lost pensionable pay obtained from Payroll to the employee on their return to work from unpaid leave, or as soon as possible thereafter.



The employee uses this information to obtain a quote from the LGPS Website <https://www.lgpsmember.org/more/apc/lost.php> showing the total cost of buying the 'lost' pension and allows employee to apply to buy 'lost' pension.



Employee applies to buy 'lost' pension within 30 days of their return to work from their unpaid leave. Employee prints off a copy of the application and submits this together with the LG35/written statement of total lost pensionable pay to the school.



The designated person at the school sends the information submitted by the employee to their Payroll provider and their pension fund administering authority



On receipt, the Payroll provider will make the appropriate deduction from the employee's salary (1/3<sup>rd</sup> of total cost to buy the lost pension)

## Appendix 5: Model Letter to Employee – Buying ‘lost’ pension

Dear *(insert name of employee)*

### **Authorised Unpaid Leave Local Government Pension Scheme Member – Buying ‘lost’ pension**

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

I have authorised the leave **without** pay and enclose a copy of the signed Special 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 school will pay 2/3<sup>rd</sup>s of the total cost of buying the ‘lost’ pension and the remaining 1/3<sup>rd</sup> 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 complete and sign the form at **Appendix 6 - 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 school will provide you with details of the total lost pensionable pay for the period of the unpaid leave on your return to work, or as soon as possible thereafter. This information will enable you to obtain a quote from the Local Government Pension Scheme 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.

Yours sincerely

Headteacher

**Appendix 6: Request for Total Lost Pensionable Pay during Period of Unpaid Leave**

**Request for Total Lost Pensionable Pay during Period of Unpaid Leave**

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

I am aware that this period will not count for pension purposes unless I make an election to pay Additional Pension Contributions (APCs) 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, 2/3<sup>rd</sup>s of the total cost of buying the 'lost' pension will be paid by the school and I will be responsible for paying 1/3<sup>rd</sup> 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)*\*\***

## Appendix 7: Banked day procedures

1. A banked day may be earned for 100% attendance in the full term or for running an after school club for the full 10 sessions.
2. 100% attendance is achieved *only* if you come to work every day for the *full* day; all absences for whatever reason (e.g. sickness, appointments, religious, family emergencies etc.) are counted against your attendance.
3. Any banked days earned must be taken in the following term. E.g. banked days earned in Autumn must be taken in the Spring term.
4. You can only take a maximum of two banked days together. They cannot be accumulated for a special occasion later in the year.
5. Banked days cannot be taken in September; nor can they be taken in May until after SATs. Banked days cannot be taken to extend the October half term.
6. You are required to give a minimum of 3 weeks' notice. There may be some flexibility if cover can be arranged.
7. Banked days are approved on a first-come-first-serve basis. Authorisation for your requested day may be declined if cover cannot be arranged or someone else in your team has got there first or there is a particular event taking place on that day.
8. Banked days will not be approved if your attendance falls below 96%. Your attendance must remain above 96% at the time the banked day is scheduled - this means even if it has been approved, you could lose it.
9. You must email the *HR Lead* with your requested dates (please also give a second choice date) - use the words 'Banked Day Request' in your subject field.
10. The HR Lead will request authorisation on your behalf once your attendance levels have been checked and will get back to you with an answer usually within a couple of days. If you haven't had a response within a week, please chase.

The banked day process will be reviewed annually.