

### **SPECIAL LEAVE AND OTHER LEAVE ENTITLEMENTS FOR SUPPORT STAFF IN SCHOOLS (JUNE 2018)**

*(All applications for special leave shall be initially be made to the Headteacher on a standard pro-forma – Appendix A)*

	PAID/ UNPAID	MAXIMUM ENTITLEMENT	QUALIFYING CIRCUMSTANCES (NB entitlements for part-time staff will be pro-rata)
<b>SPECIAL LEAVE</b>	With Pay	6 Days (in total)	<p>Normally granted for emergency/unforeseen circumstances eg sudden illness of dependant. However, such leave will also be granted in the following circumstances:</p> <ul style="list-style-type: none"> <li>– Funeral of a *close relative or dependant (one day);</li> <li>- Funeral of a close relative or dependant where applicant is the personal representative (three days);</li> <li>– To facilitate the fostering or **Special Guardianship of a child (one day);</li> <li>– To facilitate the fostering or **Special Guardianship of a child with Special Needs (two or three days);</li> <li>– Prospective fathers - one antenatal visit, and one for the antenatal scan</li> <li>- Accompanying a dependant (ie spouse, child, parents or another person who reasonably relies on the employee for the assistance), on a medical appointment (where they need to be accompanied)</li> </ul> <p>(*close relatives may include spouse/partner, child, parent, sibling, step-parent (including in-law equivalents), although management may choose to exercise discretion with any other relatives).</p> <p>(** visit <a href="https://www.gov.uk/government/publications/special-guardianship-guidance">https://www.gov.uk/government/publications/special-guardianship-guidance</a> for further information)</p>
	Without Pay	2 Months (unless otherwise specified)	<p>Special Leave without pay will be considered at the discretion of School Management. Such leave should not normally extend beyond two months in any leave year other than in exceptional circumstances. Requests for any period in excess of this should be considered by the Governing Body, on their merits against the following guidelines:</p> <ul style="list-style-type: none"> <li>- In the case of full-time courses of study/training. These should be related to the individual's current and future employment with the School and should be for the duration of the specific course with appropriate allowances for assessments etc. (See below for study leave provisions)</li> <li>- Special leave to care for relatives who are seriously ill/terminally ill. These can only be related to individual circumstances having particular regard to the difficulties being experienced by the employee involved.</li> <li>- Special leave for extended visits to members of employee's family living outside the Country, or for religious, etc purposes. These should normally be for a maximum period of three months unless there are particularly exceptional circumstances.</li> </ul>

MEDICAL APPOINTMENTS	PAID/ UNPAID	MAXIMUM ENTITLEMENT	QUALIFYING CIRCUMSTANCES (NB entitlements for part-time staff will be pro-rata)
	With/Without Pay	N/A	<p>Absences for the purposes of attending for a medical appointment as deemed reasonable eg as a hospital outpatient, non-routine GP appointments or emergency dental visit will be allowed <b><u>with pay</u></b> as necessary (<b>where appointments cannot reasonably be arranged outside working time</b>). Evidence of such appointments may be requested.</p> <p><b>Elective Surgery (eg eye laser surgery, plastic/cosmetic surgery</b> – it is expected that such procedures should be undertaken outside of normal working hours taking into account the relevant recovery period. Where this is not possible leave <b><u>without</u></b> pay may be granted.</p>
FERTILITY TREATMENT	With Pay	N/A	Time off for any GP/hospital appointments would be allowed under the usual arrangements, that is, they should be arranged outside working hours where possible. This is additional to any special leave allowed for other purposes. If the employee is admitted to hospital as a day patient or in-patient this would fall within the sickness absence provisions, as they are not in a position to attend work even if they wished to.
EXTRANEOUS DUTIES	With/ Without pay	As detailed	<p>In the course of any one year, leave of absence for extraneous duties as outlined below duties <b>may</b> be granted at the discretion of the Headteacher/Governing Body for 18 whole days or 36 half days of which no more than 12 whole days or 24 half days will be with full pay:-</p> <ul style="list-style-type: none"> <li>• Justices of the Peace</li> <li>• Employees who are elected to serve on the Governing Body of another school</li> <li>• Employees who are elected to service on a Board of Visitors to Prisons, Remand Centres and Young Offender Institutions</li> </ul>
TRADE UNION DUTIES AND ACTIVITIES	With/ Without pay		<b>Time off for Trade Union Duties And Activities</b> See Appendix B

OTHER PROVISIONS	PAID/UNPAID	MAXIMUM ENTITLEMENT	<b><u>QUALIFYING CIRCUMSTANCES</u></b> <b>(NB entitlements for part-time staff will be pro-rata)</b>
	With/Without Pay	N/A	<p>In the course of any one year, leave of absence for the following reasons may be granted for 18 whole days or 36 half days of which no more than 12 whole days or 24 half days will be with full pay (unless specified below):</p> <p><b>Parliamentary Election</b></p> <p>Candidates - Any member of staff adopted as a candidate in a parliamentary election (including an election for the European Parliament) is granted up to four weeks leave of absence, no more than <u>three with pay and one without</u>, to enable him/her to conduct the electioneering campaign. If the candidate is elected to Parliament, he/she is required to terminate his/her employment with the School.</p> <p>Agents - Any member of staff who acts as an official agent in a parliamentary election may be granted up to three weeks leave of absence <u>without pay</u> to enable him/her to assist in the conducting of the electioneering campaign.</p> <p><b>Leave of absence - service in non-regular forces</b></p> <p>Employees who are members of the non-regular forces will be granted up to two weeks leave <u>with pay</u> for the purposes of attending summer camp, if this falls within the person's normal working time.</p> <p><b>Election duty</b></p> <p>Leave <u>with pay</u> will be allowed to employees performing election duty.</p> <p><b>Open University</b></p> <p>The Open University organises summer schools of one or two weeks duration in order that those studying for a degree can meet to discuss parts of the syllabus with tutors and other students. Where the School has provided financial assistance to undertake the course it will allow students up to two weeks leave <u>with pay</u> each year for the purpose of attending the summer school, if this falls within the person's working time.</p> <p><b>Attendance as a Witness in Court</b></p> <p>Absence due to attendance as a witness in court will be allowed as necessary, <u>with pay</u>, outside the Special Leave arrangements.</p>

	PAID/UNPAID	MAXIMUM ENTITLEMENT	QUALIFYING CIRCUMSTANCES (NB entitlements for part-time staff will be pro-rata)
TIME OFF FOR DEPENDANTS	Without pay	N/A	See <b>Appendix C</b> for full details.
STUDY LEAVE	With pay	6 Days	In cases whereby the School Management has deemed a particular course of study to be relevant to the individual's employment, up to six days study leave <u>with pay</u> per year <i>may</i> be granted, to be calculated on the general principle of one day study leave per examination subject. The timing of such leave is a matter of discretion for the School Management.

**Note:**

- (i) Separate provisions exist for [Maternity Leave](#) , [Adoption Leave](#) , [Paternity Leave](#) , [Maternity Support Leave](#) , [Shared Parental Leave](#) and [Parental Leave](#).
- (ii) This scheme does not preclude the consideration of individual cases which do not appear to fall clearly within the specific definitions, any such considerations to be approved by the School Management who may seek advice from the Schools HR Team if necessary.
- (iii) The employee is prevented from entering into any other contracted/paid employment with the Council or any other employer during the unpaid leave period.
- (iv) All entitlements are pro-rata for staff who work less than 5 days per week
- (v) It is for each school to determine the specific leave year for granting and monitoring requests, eg 1<sup>st</sup> September – 31<sup>st</sup> August or 1<sup>st</sup> April to 31<sup>st</sup> March.

**APPLICATION FOR LEAVE OF ABSENCE – SUPPORT STAFF**

**NAME**\_\_\_\_\_ **Position**\_\_\_\_\_

**No. of days requested:-**\_\_\_\_\_ **Date(s) for which Leave of Absence is requested:-**\_\_\_\_\_

**Reason for request:-**

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**Is the request for paid or unpaid leave?** \_\_\_\_\_

**No. of days Leave of Absence previously granted in this academic year**\_\_\_\_\_

**Signed**.....

**Date**.....

For office use only:-

**Approved by \*Headteacher/relevant Committee of Governing Body? \*Yes/No**

**If yes, is Leave of Absence granted paid or unpaid or a combination? \*Paid/Unpaid/A combination.**

**If a combination of paid and unpaid please state details**\_\_\_\_\_

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**If not approved please state reason**\_\_\_\_\_

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**(\*Please delete as appropriate)**

**GUIDANCE FOR MANAGERS ON TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES**

**Introduction**

Trade union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties and trade union training. They also have a statutory right to reasonable unpaid time off when taking part in trade union activities.

There are positive benefits for schools in supporting the role of the trade union representative. Effective trade union representatives can aid in the resolution of problems and conflicts at work and, by granting reasonable time off to represent or accompany members, formal procedures can be progressed more speedily.

The role of the trade union representative can be demanding and complex and, in order to perform effectively, sufficient time off should be given from their normal duties, where appropriate, to undertake trade union duties and relevant training.

It is important to draw a distinction between trade union duties, which are paid, and trade union activities, which are unpaid.

**Trade union duties**

Duties are likely to be the following:

- providing advice to trade union members;
- meetings to prepare for and represent/accompany trade union members at formal hearings etc.;
- attending meetings with school management representatives to discuss individual cases/disputes;
- meetings with officer representatives as part of formal/informal consultation/negotiation.

**Trade union activities**

Activities are organised and conducted by the trade union and can be, for example:

- attending workplace meetings to discuss and vote on the outcome of negotiations with the Local Authority and/or School;
- voting in union elections;
- having access to services provided by a Union Learning Representative;
- branch meetings of the union where the business of the union is under discussion.

**Considering a request for time off**

When a trade union representative submits a request for time off, the request should be reasonable and the time off sufficient to undertake the duty or activity. Time off should be granted subject to a balance between the needs of the school and the needs of the employee to be represented.

The trade union representative should provide the Headteacher with the following information when making a request for time off, giving as much notice as possible:

- the reason for the request (but preserving personal confidential information);
- the date, time and duration of time off required;
- details of any training course to be attended (for example, the content of the training course).

A mutually convenient time should be agreed where possible which minimises the effect on school.

#### **Factors to take account of when considering a request for time off:**

##### **Reason**

The reason for the time off and the scale or complexity of the issue.

##### **Time**

The amount of time that has already been granted to deal with this particular issue, or to undertake TU duties for other members.

##### **Availability**

Whether other trade union representatives are available to undertake these duties.

How the workload of the employee can be managed during their absence and the likely impact on the service.

##### **Needs of the TU member**

The needs of the employee requesting representation.

The working patterns of the trade union representative and the employee requesting representation.

Headteachers should consider each request for time off on its merits, taking into account the above factors and must act reasonably when considering requests and balance each request for time off with the needs of the school. Headteachers should be flexible wherever possible, particularly where the trade union representative is involved in matters where their non-release may delay a disciplinary hearing, for example.

The amount of time requested to be taken off will fluctuate depending on the nature and complexity of matters trade union representatives are involved in and the numbers of trade union representatives available at a given time to undertake the duties.

#### **Procedure for recording time off for trade union duties/activities**

Trade union representatives should submit any request for time off to the Headteacher using the Oracle system. The Headteacher will approve the request or otherwise and record on Oracle.

## **TIME OFF FOR DEPENDANTS**

Employees have a right to reasonable unpaid time off during working hours in order to care for or provide assistance to Dependants.

The right to reasonable unpaid leave is available:

- to provide assistance on an occasion 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 dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident which involves a child of an employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him/her.

**Notification:** In order to obtain such leave the employee must inform his/her line manager as soon as he/she can, stating why there is a need for the absence and how long the absence is expected to be.

For these purposes a "dependant" means a spouse, child (of any age) parent or someone who lives in the same household as the employee (not an employee, tenant, lodger or boarder) or another person who reasonably relies on the employee for the assistance.

**Reasonable Time Off Calculation:** For the above purposes the School Management will consult with the employee in deciding what is a reasonable period of absence and will consider what is practically to be done and how much time this would reasonably take, the particular circumstances which might justify a longer period in particular circumstances, the needs of the School and where appropriate a considered balance between these factors.

An approach which is consistent, which allows for management discretion and which reflects individual circumstances will be taken.

In this respect, clarification provided by direct.gov.uk indicates that, for example, if an employee's child falls ill, the time off must be sufficient to enable the employee to cope with the crisis - to deal with the immediate care of the child (visiting a doctor if necessary) and to make alternative, longer-term care arrangements. But the right will not enable a mother to take a fortnight off while her child is in quarantine.

In most cases, whatever the problem, one or two days will be the most that is needed to deal with the immediate issues and sort out longer term arrangements if necessary.

**NB.** *The above entitlements to unpaid time off do not preclude the granting of Special Leave with pay within a six day allowance where the circumstances are appropriate and such leave should always be considered first where appropriate.*