Special Leave Policy

For all schools within the Bosco Catholic Education Trust

This Policy has been approved and adopted by
the Bosco Catholic Education Trust.

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1 Bosco Catholic Education Trust Mission Statement

1.1 The Bosco Catholic Education Trust is a Christ-centred family of Catholic academies, within the Diocese of Arundel and Brighton, working together as one body to provide an outstanding education for all. As Catholic schools, we endeavour to develop confident, compassionate and faithful young people. Through partnership, collaboration and mutual support, we seek to enable all those entrusted to our care to become the person God called them to be.

"Serve the Lord joyfully"

2 Introduction

2.1 Leave of absence is not an entitlement to a number of days off per year. The purpose of leave of absence is to ensure that employees are able to manage particular circumstances that may occur in their lives where it is not possible to arrange these during school holiday periods and time off may be required. It is expected that requests will only be made for leave of absence in term time once all other possible alternatives have been considered.

2.2 The amount of leave of absence granted and reasons for doing so can differ between teaching and support staff and from one employee to another. It is also important to bear in mind that such entitlements must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences. An employee's attendance and disciplinary record may also be taken into consideration where appropriate, however no legitimate request will be unreasonably refused.

2.3 All periods of leave of absence will be recorded and considered on a rolling 12-month basis.

2.4 Any employee who is suspected to have abused the provision for time off may be subject to disciplinary proceedings in line with Bosco Catholic Education Trust's Disciplinary Policy.

2.5 This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this policy, including any time limits, as appropriate in any case.

3 Scope and Purpose of this Policy

3.1 The purpose of this policy is to ensure that employees within Bosco Catholic Education Trust ("the Trust") understand how requests for leave will be considered by the Headteacher. It will also ensure that staff across the Trust are treated in a fair and consistent way when requesting time away from work.

3.2 The policy applies to all employees regardless of length of service. It does not apply to agency workers.

3.3 This policy is used to deal with requests for absence from work for the reasons contained within this policy. It does not cover requests for flexible working, maternity, paternity, parental or adoption leave. Information on these can be found in the relevant policy within the Trust.

4 Process for Making Requests

4.1 The Trust recognises that it may not always be possible to request certain types of leave in advance, for example, bereavement leave, compassionate leave and leave in emergency situations. Where it is not possible to request leave in advance the employee should contact the Headteacher as soon as possible to tell them the reason for the absence and the number

of days leave that they anticipate being absent. The Headteacher will then discuss the situation with the employee and agree next steps.

4.2 Employees should ensure that other than in emergency situations they make their request for leave in advance to enable the Headteachers of Bosco Catholic Education Trust Schools to consider the request carefully and to ensure that cover can be implemented where required.

4.3 Employees should make a request by completing the Request for Leave of Absence Form at Appendix 1 and giving it to the Headteacher. The form will be completed and returned to the employee when a decision has been made. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the Headteacher.

4.4 Where a request is refused, the form will include written reasons for the refusal. If the employee is dissatisfied with the decision, they may appeal by following the process set out in Section 5.

4.5 Where it is possible to do so in advance or when the employee returns to work after taking time off under this policy, we might ask the employee to provide evidence for their reasons for taking the time off.

5 Appeal Process

5.1 If an employee is dissatisfied with the decision, they may appeal by sending a completed Leave of Absence Appeal Form (Appendix 2), to the Clerk within 5 working days of the decision being sent to them.

5.2 The Clerk will formally appoint an Appeal Manager, usually the Chair or other non-staff Director or Governor nominated by the Chair. The Appeal Manager will not have been involved in the decision to deny the original request for Special Leave.

5.3 The Appeal Manager will arrange to meet with the employee as soon as possible to discuss their appeal. This meeting will normally be held within 10 working days of receiving the employee's completed Leave of Absence Appeal Form from the Clerk.

5.4 The Appeal Manager will adjourn the meeting and will confirm the outcome of the Appeal Meeting in writing to the employee within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal.

6 Parental Bereavement Leave

6.1 Parents will be granted up to 2 weeks paid parental bereavement leave to ensure supportive time away from work to grieve. This includes birth parents, adoptive parents, individuals who are fostering to adopt, legal guardians, most foster parents, (excluding short term and emergency foster care), intended parents under a surrogacy arrangement, look after the child in their home other than a paid carer and have done so for at least 4 weeks and parents who suffer a still birth after 24 weeks or more into pregnancy. There is no minimum service requirement for eligibility to take this leave.

- Employees may be entitled to statutory parental bereavement pay (SPBP) [and/or normal pay covering some of this period to ensure no loss of earnings] for parental bereavement leave if they meet the below criteria:

- Have 26 weeks continuous service with the Trust ending on the Saturday before the child died;

- Have normal weekly earnings in the eight weeks up to the week before the child death that are not less than the lower earnings limit for NI contributions

6.2 Parental bereavement leave will be granted as a single block of 2 weeks or 2 separate blocks of 1 week at different times. This leave must be taken within 56 weeks of the loss of the child

6.3 If parental bereavement leave is taken straight away and during the first 8 weeks after the child has died, there is no requirement to give advance notice of PBL. However, employees should make contact with the Trust through their Headteacher to inform of the reason for their absence.

6.4 Any parental bereavement leave taken after the initial period will be subject to at least 1 weeks' notice to the employer.

6.5 Employees taking parental bereavement will be asked to produce a written declaration to confirm they are entitled to the leave.

6.6 Entitlement to maternity leave and pay is not affected if a child has died or been stillborn. Maternity leave can be taken in addition to parental bereavement leave.

7 Other Bereavement Leave & Compassionate Leave

7.1 Up to 10 days paid bereavement leave in any 12-month period may be granted to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral.

7.2 Up to 5 days paid compassionate leave in any 12-month period may be granted, to help employees where they need to deal with necessary arrangements for or assist a close relative who is seriously or critically ill. This does not apply in the case of domestic emergencies, or where normal caring arrangements have been disrupted. We will consider compassionate leave for other traumatic events or difficult personal circumstances on an individual case by case basis.

7.3 Bereavement leave and compassionate leave may be granted in relation to a spouse, civil partner or partner, stepchild, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law. Children are covered separately in the parental bereavement section above. The Headteacher may exercise their discretion in relation to any other relative or close friend, depending on the circumstances. When agreeing the amount of leave the Headteachers of Bosco Catholic Education Trust Schools will take into account the circumstances and relationship of the employee to the deceased/seriously or critically ill.

8 Time off for Dependants

8.1 The law recognises and we respect that there will be occasions when employees will need to take time off work to deal with unexpected events involving one of theirs dependants. All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:

8.1.1 provide assistance when a dependant falls ill, gives birth, is injured or assaulted;

8.1.2 make longer-term care arrangements for a dependant who is ill or injured;

8.1.3 take action required in consequence of the death of a dependant;

8.1.4 deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or

8.1.5 deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

8.2 A dependant for the purposes of this policy is:

8.2.1 an employee's spouse, civil partner, parent or child;

8.2.2 a person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee; or

8.2.3 anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action.

8.3 Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis and it is necessary to take action in relation to a dependent. This will depend on the nature of the problem, the closeness of the relationship between the employee and the dependent, and whether someone else is available to assist. Reasonable time off will not normally be more than 1 or possibly 2 days and in most cases will be less than a day. However, we will always consider each set of circumstances on their facts.

8.4 If the employee knows well in advance that a problem might arise or the employee wishes to take time off to care for a dependant themselves, rather than make alternative arrangements, this policy will not apply. Other arrangements should be made to deal with such situations.

8.5 Employees will only be entitled to time off under this policy if, as soon as is reasonably practicable, they tell the Headteacher:

8.5.1 the reason for their absence; and

8.5.2 how long they expect to be away from work.

8.6 If the employee fails to notify us as required by paragraph 8.5, they may be subject to disciplinary proceedings under our Disciplinary Policy for taking unauthorised time off.

9 Domestic, Personal & Family Reasons

9.1 Up to 5 days paid leave of absence in any 12-month period may be granted for domestic reasons (urgent or otherwise). It is expected that those employees who have the option to choose when to take their leave, will use their annual leave entitlement before making a request for domestic reasons.

9.2 Leave to be granted under this provision may include the following, but the Headteacher will consider each set of circumstances on the facts, including the nature of the request, the relationship of the employee to the person the request relates to where applicable and whether the event or incident is an exceptional circumstance that could not be arranged outside of normal working hours:

9.2.1 Moving house

Employees will be granted one day’s paid leave to move house in any one school year.

9.2.2 Wedding or civil partnership ceremony

Employees should make their own wedding/civil partnership arrangements outside normal working days. Leave may be granted by the Trust to enable employees to attend a close relative or close friend's wedding or civil partnership ceremony, where this is held during normal working hours.

9.2.3 Other special events

The Trust recognises that in exceptional circumstances there will be special events in an employee's family life that cannot be arranged outside normal working days e.g. graduation ceremonies, school productions, sports day. Bosco Catholic Education Trust Headteachers will consider requests for time off for these purposes.

9.2.4 Urgent domestic business

This would enable school staff to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc.

9.3 Special absence for other personal or family reasons, e.g. to visit relatives who live abroad or to nurse a sick person may also be considered in exceptional circumstances where the employee has a minimum of one year's service at the date of commencement of the leave. A holiday will not be considered as an exceptional circumstance.

9.4 Plans or arrangements for the time off should not be made by the employee until they have received a decision in relation to their request and their request is granted, if appropriate.

10 Health & Welfare

10.1 Employees are expected to make routine medical appointments on their non-working days/outside working hours. Where it can be demonstrated that it is not possible to obtain appointments outside of working hours the Trust may grant, paid OR unpaid, time off for reasons of the personal health and welfare of an employee. For example, visits to a doctor, dentist, optician, clinic and hospital. The Trust will expect employees to provide evidence of their requirement to attend any medical appointments.

10.2 All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments are covered by this policy.

10.3 Employees who donate blood or other medical tissue are encouraged to do this outside of working hours. Where this is not possible requests for time off to attend these appointments will be considered under this policy.

10.4 Requests for time off for medical appointments in relation to adoption, pregnancy or a disability will be considered under Trust policy that covers these circumstances.

10.5 Employees who are planning to undergo a course of fertility treatment or are planning to become a surrogate should discuss with the Headteacher/Principal their treatment plan and requirements for time off. The Trust will consider these cases based on the individual circumstances.

11 Interviews

11.1 The Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant up to 5 days off for interviews with pay in any 12-month period.

11.2 Employees must inform their Headteacher of the time, date and duration of the interview as soon as they have this information so that the request can be considered promptly to avoid disappointment. The Trust can ask employees to provide evidence of interview.

12 Time Off for Public Duties

12.1 The Trust supports employees to perform certain public duties that they may be committed to undertake and will give them time off to do so where it does not conflict with the operational needs of the Trust and its schools. The Trust is not obliged to grant employees paid leave for these purposes. The circumstances in which we are prepared to do so are set out below.

Jury service

12.2 Employees should tell the Headteacher as soon as they are summoned for jury service and provide a copy of the summons if requested.

12.3 Depending on the demands of the Trust we may request that the employee applies to be excused from or have the jury service deferred.

12.4 The Trust is not required to pay employees while they are absent on jury service. Employees will be advised at court of the expenses and loss of earnings that they can claim. We pay basic pay to employees who are doing jury service less any amounts they can claim from the court for lost earnings, for up to 10 working days. Payment for time off beyond 10 working days may be paid at our discretion.

Attendance as witness in court/employment tribunal

12.5 Attendance as a witness may be on the basis of paid or unpaid leave of absence, as explained below. However, school must keep payroll informed. If there are any queries relating to a witnesses' expenses etc, advice is available via the School Business Manager.

Paid Leave of Absence

12.6 Where a member of staff is required to attend as a witness arising from his/her employment, paid leave is automatic. He/she must:-

12.6.1 Ascertain from the School Business Manager the daily amount of loss of earnings for the attendance concerned

12.6.2 Enter a claim for this from the party who called him/her to give evidence

12.6.3 Inform the Business Manager when the claim has been paid, so the amount can be deducted from salary

Unpaid Leave

12.7 If attendance is in the employee's private capacity, he/she is expected to take annual leave. If this is not possible, unpaid leave of absence should be granted. It should be made clear that the employee should claim loss of earnings and that any shortfall may not necessarily be made up. The policy in the latter circumstances requires the employee to:-

12.7.1 Obtain prior agreement for leave of absence

12.7.2 Insist on a subpoena or witness summons as a pre-condition of attendance (as the issuing party has to offer to meet the witness' expenses

12.7.3 Ascertain from the School Business Manager the daily loss of earnings

12.7.4 Enter a claim from the party who called the employee as a witness

12.7.5 Inform the School Business Manager of the full period of absence so that the loss of earnings is deducted from salary (even if this exceeds the amount recovered.)

Voluntary public service

12.8 Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties. All employees may be granted up to 5 days' paid leave to perform voluntary public service duties. Any additional leave will be granted on an unpaid basis subject to the exercise of our discretion to grant further paid leave.

12.9 Public service duties include service as a:

12.9.1 Tribunal member

12.9.2 Magistrate

12.9.3 Local councillor

12.9.4 Member of an NHS Trust

12.9.5 Prison visitor

12.9.6 Lay visitor to police stations

12.9.7 School/Academy/Trust governor

12.10 If the employee is unsure whether a public service that they perform is covered by this policy, they should speak to their Headteacher.

12.11 As soon as the employee is aware that they will require time off for performance of a public service they should notify their Headteacher in writing, providing full details of the time off that is being requested and the reasons for their request.

12.12 The Trust will agree to requests for time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy. If it is not possible to accept a request, they will be given written reasons for our decision.

12.13 Each request for time off will be considered on its merits, in the circumstances in which it is made, including:

12.13.1 Whether the activity is reasonable in relation to the employee's employment.

12.13.2 How much time off is reasonably required for the duty in question.

12.13.3 How much time off the employee has already taken for the public duty in question.

12.13.4 How their absence will affect the Trust.

Reserves Forces Duties

12.14 We are aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be used on full-time operations and will be expected to attend regular training.

12.15 Employees who need time off for reservist commitments are expected to use existing holiday entitlement. [In exceptional circumstances we may grant additional leave (either paid or unpaid) in order for these commitments to be met.]

12.16 Whilst we will do everything possible to meet the employee's request for leave it may not always be possible for operational reasons. If we receive notice that the employee has been called-up there may be occasions when we need to apply to an adjudication officer for the notice to be deferred or revoked if their absence would cause serious harm to the Trust (which could not be prevented by the grant of financial assistance).

12.17 Once the employee's military service has ended they may submit a written application for reinstatement to their employment. This should be made by the third Monday following the end of their military service and the employee should notify us of the date on which they will be available to restart work.

12.18 If it is not reasonable and practicable to reinstate the employee into their former employment we will offer the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

13 Professional Examination Duties

13.1 The Trust will authorise leave for teachers to undertake professional duties in connection with GCSE, GCE A Level and other public examination/s in line with the provisions of the Burgundy Book (Section 6). This also gives details of how the school may be reimbursed when a teacher has to be released.

14 Redundancy – Support for Job Seeking

14.1 Employees who have been identified by the Trust as redundant will be allowed reasonable time off during working hours to support them with securing alternative employment or to arrange training for future employment. The amount of time-off is at the discretion of the Headteacher. Each case will be considered on its merits.

15 Religious Festivals

15.1 Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to 2 days leave with pay.

15.2 Employees must inform the Headteacher at the start of each academic year of any dates that they may need to request time off for. Where this is not possible employees should provide this information as soon as they are able to and no later than 10 working days before the date of the requested leave.

16 Time Off for Trade Union Duties & Activities

16.1 The Trust wishes to support employees with time off for trade union activities.

16.2 Trade union representatives are entitled to reasonable paid time off to carry out trade union duties and activities, to undergo training and to accompany a worker to a grievance or disciplinary hearing. A trade union representative means an officer of the union or an employee elected or appointed in accordance with the union's rules to be a representative of union members in the workplace.

16.3 Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training.

16.4 Union members have a right to reasonable unpaid time off when taking part in trade union activities.

16.5 Employees should be aware that there will be occasions where, for operational reasons, or where the Trust believe the time off to not be reasonable, requests can be declined. Each application for time off will be assessed on its merits and the determination will ultimately depend on the needs of the Trust at the time of the request and consideration will be given to:

16.5.1 the nature and timing of the request;

16.5.2 the amount of time off previously granted or planned for the future;

16.5.3 the number of representatives or members seeking time off within a given period; and

16.5.4 the legitimate need of the union representative or union learning representative to discharge their functions.

16.6 If a union representative, union learning representative or union member is aggrieved by a decision to refuse time off to undertake their duties, training or activities, they should raise the matter in accordance with Trust's Grievance Policy.

Time off for union representatives - duties

16.7 Employees who are representatives of an independent trade union recognised by the Trust for collective bargaining are permitted reasonable paid time off to:

16.7.1 carry out their duties in connection with:

(a) negotiations in relation to collective bargaining

(b) the performance of other permitted functions related to collective bargaining;

(c) information and consultation over collective redundancies or TUPE transfers; and

(d) agreeing new terms for the workforce following a TUPE transfer in an insolvency situation;

16.7.2 undergo training in aspects of industrial relations relevant to those duties which has been approved by the Trades Union Congress or by the trade union;

16.7.3 accompany a fellow worker to a disciplinary or grievance hearing.

Time off for union members - activities and learning

16.8 An employee who is a member of an independent trade union recognised by the Trust in relation to their position, is permitted reasonable unpaid time off to take part in a trade union activity or to consult a union learning representative. Examples of trade union activities include voting in union elections and attending relevant workplace union meetings, but not participating in industrial action.

Time off for union learning representatives

16.9 Employees who are members of an independent trade union recognised by the Trust can take reasonable time off to perform duties as a union learning representative, providing that the union has given Bosco Catholic Education Trust notice in writing that the employee is a learning representative of the trade union and that the representative is, or will be, sufficiently trained to carry out the learning representative duties. The purpose of a learning representative includes arranging training, promoting the value of training and analysing training needs

Requesting time off - trade union representatives and learning representatives

16.10 Employees that are trade union representatives or trade union learning representatives should ensure that their trade union has provided written confirmation of this to the Trust.

16.11 The Headteacher will meet with the employee to discuss their union role and the amount of time and facilities that the Trust believes to be reasonable to enable the employee to carry out their union duties.

16.12 When making a request for time off the employee should provide as much notice as possible and give further details, such as the location, timing, duration and purpose of the time off. The Headteacher will look at each request and the circumstances before deciding what is reasonable.

16.13 Both parties accept the need to be flexible within this process and recognise their duties and obligations to the Trust. The parties will seek to agree a mutually convenient time for the duties or activities, with minimum disruption to the teaching and learning at the Trust. Where possible, the recognised trade union(s) will arrange workplace meetings towards the end of the working day or near break times.

Requesting time off - trade union members

16.14 Employees who want to request time off for trade union activities during working hours should make a request to the Headteacher giving as much notice as possible and provide further details, such as the location, timing, duration and purpose of the time off. The Headteacher will look at each request and the circumstances before deciding what is reasonable.

17 Retention and Data Protection

17.1 Through the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of current UK Data Protection Legislation and any other implementing laws, regulations and secondary legislation, as amended or updated from time to time in the UK. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of the Data Protection Legislation.

18 Review of Policy

18.1 This policy is reviewed annually by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

19 Appendix 1 - Request Form for Special Leave of Absence

SECTION 1 – TO BE COMPLETED BY THE EMPLOYEE

NAME: _____

POSITION: _____

I request leave of absence on the following date(s):

_____

For the following reason(s):

_____

_____

_____

SIGNED: _____ DATE: _____

When this section has been completed the form should be given to the Headteacher. In the case of a Headteacher making the request, the form should go to the Chair of the Local Governing Committee of the relevant school.

SECTION 2 – TO BE COMPLETED BY THE RELEVANT HEADTEACHER / CHAIR

APPROVED with pay	**YES / NO**
APPROVED without pay	**YES / NO**
NOT APPROVED	**YES / NO**
REASON(S) if not approved:	

Number of days leave of absence already granted in the 12-month period: _____

SIGNED: _____ DATE: _____

A copy of the completed form should be returned to the applicant.

20 Appendix 2 - Leave of Absence Appeal Form

Submitted by	**Name:**	
	Job Title:	

1. I wish to formally appeal against the Leave of Absence decision.

I attach:

☐ The Leave of Absence Decision Letter

2. I disagree with the Leave of Absence Decision Letter because:	
3. I will/will not* need special help at the Leave of Absence Appeal Meeting (if necessary, provide relevant information).	
4. My companion at the Leave of Absence Appeal Meeting will be:	
5. My companion cannot attend an Appeal Meeting on the following dates/times: • • •	
Signed:	
Print Name:	
Date:	