



## **EMERGENCY & SPECIAL LEAVE POLICY**

**April 2016**

# **Emergency and Special Leave Policy for all Academies within The Mill Academy**

## **1. Introduction**

- 1.1 Where employees are absent from the Academy that there is an increase in the pressure on those still in the Academy. Students who miss their normal teacher may lose out on their scheduled lessons, or may certainly experience a loss of continuity. External supply can cost in excess of £200 or more per teacher each day, which can impact on budget planning. The use of unpaid leave alleviates the financial pressures of cover but even the granting of unpaid leave must be requested for a justifiable reason and may not be granted.
- 1.2 This policy is based on the Oxfordshire model which has been drawn up in consultation with the recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.
- 1.3 Advice on the application of this policy is available from the Academy HR Manager.
- 1.4 The Mill Academy (“The Trust”) is the employer of all staff in all Academies and has established this procedure to ensure consistency and fairness to all staff working in its Academies.

## **2. Scope**

- 2.1 This policy applies to all employees of The Trust, whether support staff, teachers or headteachers. It should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the National Agreement on Pay and Conditions of Service for support staff (the Green Book).
- 2.2 This policy covers:
  - Emergency Leave - taking time off to deal with unforeseen emergency events involving a dependant (paragraph 3);
  - Other Discretionary Leave - time off for other urgent or personal events (paragraph 4);
  - Special Leave - Public Duties, Jury Service, Volunteer Reservists, Election Duties (paragraph 5).
- 2.3 Separate policies cover: Paternity Leave; Maternity Scheme for Teachers; Maternity Scheme for Support Staff; Parental Leave Scheme; Sick Leave; Union Representatives.

## **3. Emergency Leave**

- 3.1 There are times when employees have unforeseen emergency situations, outside of work, that need their urgent personal attention. On these occasions employees may need time off to deal with the immediate crisis.
- 3.2 All employees are entitled in law (Employment Relations Act 1999) to unpaid time off work to deal with an emergency involving a dependant. The amount of time an employee is entitled to take is whatever is sufficient to make alternative arrangements. One or two days will usually be sufficient.

- 3.3 A dependant is defined as:
- your spouse, partner, child or parent;
  - anyone living in your household as a member of the family (other than a tenant or lodger);
  - anyone who reasonably relies on you for help in an emergency.
- 3.4 It is recognised that the majority of those working in schools and academies are employed to work during term time and do not have the flexibility to use annual leave. Therefore, in addition to the legal entitlement to unpaid leave, employees working in schools and academies may be paid for time off in certain emergency situations. The Academy has discretion whether or not to grant paid or unpaid time off in accordance with this Policy.
- 3.5 Where this Policy allows for discretion in individual cases, each Academy Headteacher (or the Chief Executive of the Trust if it is a Headteacher requesting time off) has the discretion to decide whether or not to grant the time off.
- 3.6 A full list of emergency events and the recommended amount of time off that is reasonable for Headteachers to approve is set in Appendix 1.
- 3.7 The maximum paid leave which can be agreed under this scheme is five days at any one time (pro rata for part-time staff), depending on the circumstances. Only in very exceptional circumstances may this maximum period may be extended by a further five days.

#### **4. Discretionary Time Off**

- 4.1 Employees are expected to take all reasonable steps to avoid having to take time off during the school day. However, from time to time, employees may request time off where it has not been possible to arrange events outside the normal working day. Requests for leave of absence for certain urgent or personal reasons may be considered.
- 4.2 In these cases, only one day will be granted for each event, up to a total of 3 days in an academic year. See table at Appendix 1.

#### **4.3 Study Leave**

- 4.3.1 Requests for study and examination leave will also be considered where the studies are relevant to the employee's work or are required by the Academy as part of the job role, e.g. study for a degree or similar professional qualification.
- 4.3.2 Paid study leave will be granted of:
- 0.5 day per examination of 3 hours or less, plus 0.5 day for the examination; or
  - 1 day per examination of more than 3 hours, plus 1 day for the examination;
  - Up to a maximum of three days in total during an academic year.

#### **5. Special Leave - Time off for Public Duties**

- 5.1 The Employment Rights Act 1996, gives employees the right to reasonable unpaid time off during working hours to carry out public duties. Public duties include being a Justice of the Peace (Magistrate), a school governor or a member of a local council. A full list of public duties covered by the Act can be found on the Government site <https://www.gov.uk/time-off-work-public-duties>

- 5.2 In accordance with the national terms and conditions for teachers and support staff, employees working in academies can be granted a reasonable amount of paid time off for carrying out these public duties.
- 5.3 The time off must be agreed at the discretion of the Headteacher (or the Chief Executive if it is a Headteacher requesting time off) in advance. A request can be refused if it is unreasonable.
- 5.4 Whether time off is classed as 'reasonable' will depend on:
- what the employee's public duties are;
  - the time needed to carry them out;
  - the impact on the Academy, taking into account impact on students, other staff and cover availability;
  - the amount of time off already taken for public or trade union duties within the academic year.

## **5.5 Jury Service**

- 5.5.1 An employee receiving a summons to serve on a jury must inform the Headteacher who will grant the leave of absence unless an exemption is secured. All employees should claim the financial loss allowance from the court. An equivalent amount will subsequently be deducted from their pay. Employees will be issued with a claim form by the court.

## **6. Dental or Medical appointments**

- 6.1 Appointments for routine medical or dental checks or treatment must be made outside of working hours and/or term time.
- 6.2 Agreement may be given for employees to take paid time off during the school day for emergency medical treatment or hospital appointments but each case will be judged according to its circumstances and urgency. Permission must be agreed in advance with the Headteacher. The Headteacher may ask to see the medical appointment card to support the employee's request for time off.
- 6.3 Particular consideration will be given to those employees with disabilities who need to attend medical appointments that fall within the school day.
- 6.4 The number of days taken for dental and hospital appointments will be monitored and persistent absences will be managed under the Academy's Managing Sickness Absence Procedures or Professional Capability Procedure.

## **7. Adverse Weather and/or Disruption to Travel**

- 7.1 Individual employees have a responsibility to attend work. If an employee fails to attend work due to adverse weather or lack of transport he/she is not entitled to receive pay, unless the circumstances are classed as an emergency situation.
- 7.2 In practice, if weather conditions are very poor or there is significant disruption to travel and the school is open each employee will need to consider travelling conditions for his/her journey to work. If some employees do not attend work the Headteacher will wish to satisfy him/her that the employee had a good reason and could not reasonably have been expected to get to work. In these circumstances, Headteachers will use

their discretion to judge the situation on its own merit and whether it is reasonable to pay them, if they demonstrate they were able to work from home.

- 7.3 If a decision is made to close the school by the Headteacher, employees will still be required to work from home and will be paid for doing so. Any staff who are able to get into work may do so rather than work from home.

## **8. Time off in Lieu (TOIL)**

- 8.1 This is discretionary time off granted in respect of an equivalent number of hours that have been (or will be) worked by an employee in excess of their contractual hours at another time. It can be used to “smooth” the short term peaks and troughs of an individual’s normal working pattern or for events that require a little flexibility (an hour or two) in their working pattern, e.g. attendance at parents’ evenings, covering for absent colleagues, etc.

- TOIL is to be agreed with line managers in advance of the extra hours being worked or the TOIL being taken;
- Line managers and staff members must keep records of where TOIL is being used;
- It is to be used within the same term as the equivalent hours that are being worked;
- TOIL is limited to periods of no more than a working day per full term (not half terms).

- 8.2 Requests for TOIL can be made instead of requesting emergency or discretionary leave demonstrating where the time has already been built up.

- 8.3 All requests for TOIL greater than or equal to a half of an individual’s usual working day must be submitted, in advance in the same manner and using the same forms as requests for Special/Discretionary leave.

- 8.4 All requests for TOIL will be determined at the discretion of the Headteacher.

- 8.5 The Headteacher will confirm to the employee whether TOIL is granted within 5 days of the request.

## **9. Employees’ Responsibilities**

- 9.1 All employees should be aware of the provisions of this policy.

- 9.2 Employees will be expected to take steps to avoid requesting time off wherever practicable. This is particularly relevant where there is a possibility of the need for time off to re-occur. Examples of this would include:

- Medical appointments
- Care of a dependant

The number of days taken as emergency leave will be monitored.

## **10. Requesting Emergency Leave**

- 10.1 Unless there are exceptional circumstances preventing the employee from doing so, all requests for time off must be made in advance with as much notice as possible to give the Headteacher time to consider the request before the intended absence. As much detail as is reasonable should be provided to assist the Headteacher in considering the circumstances of the request.

10.2 If an emergency does arise and the employee is unable to let the Headteacher know before taking the leave, they must let them know as soon as practicable, by telephone and in accordance with the school's procedure. Full details of the circumstances must be provided along with the amount of time the employee expects to be absent. The Headteacher will confirm whether Emergency Leave applies and make an initial assessment of the appropriate amount of time off and whether it is paid or unpaid.

## **11. Requesting Special or Discretionary Leave**

11.1 An employee must make a request for Special or Discretionary Leave at least two weeks prior to the required date giving full details of the circumstances and the number of days required.

11.2 The Headteacher will confirm whether Special or Discretionary Leave is granted and whether it is paid or unpaid.

## **12. Keeping in Touch**

12.1 Employees and their manager should keep in touch during the absence. In particular employees taking emergency leave should keep managers informed of any changes to their situation on a regular basis.

## **13. Headteacher Responsibilities**

13.1 Ensure all employees are aware of this policy and know who they should contact when emergencies arise and how to apply for emergency, discretionary and special leave. Forms for requesting leave are included at Appendix 2 & 3.

13.2 Gather the necessary information needed from employees to consider applications for leave and communicate decisions, usually in writing within five working days of receiving applications for time off.

13.3 Ensure there are proper records of the consideration of all requests for time off and that a copy is placed on the individual's personal file on each occasion. This will include retrospective consideration in cases of emergency.

## **14. Longer Periods of Leave**

14.1 Headteachers may approve additional unpaid leave up to a maximum of 12 months, dependent upon the circumstances for the leave, the impact on the Academy and the ability of the Headteacher to fill the post temporarily.

## **15. Failure to comply with this Policy**

15.1 Employees failing to follow this Policy and/or taking time off without the approval of the Headteacher will be dealt with under the Academy's Disciplinary Policy.

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Next Review Date: April 2018

## Appendix 1

Reason for Emergency Leave	Legal Entitlement to unpaid leave	Headteacher Discretion for Paid Leave
Illness of a dependant - if your dependant falls ill you can take enough time off to deal with their initial needs, such as taking them to the doctor and arranging for their care.	Yes	Up to 5 paid days in any rolling 12 month period.  Up to 5 days at any one event (pro rata for part-time staff) depending on circumstances.
Unexpected breakdown of care arrangements for a dependant – e.g. if a childminder or homecarer fails to turn up as arranged, or the nursery or nursing home has to close unexpectedly.	Yes	In exceptional circumstances this may be extended by a further 5 days paid or unpaid (pro rata for part time staff) at the discretion of the Headteacher.
Death of a dependant – when a dependant dies, you can take time off if you need to make funeral arrangements, to attend the funeral and finalise their affairs.	Yes	
Dealing with a serious burglary, flood or fire at your home	No	Paid for 1 <sup>st</sup> day. Up to a maximum of 2 days (2 <sup>nd</sup> day unpaid) in a rolling 12 month period
To deal with an emergency incident involving a dependant child during school hours	Yes	Paid for 1 <sup>st</sup> day. Up to a maximum of 2 days (2 <sup>nd</sup> day unpaid) in a rolling 12 month period
<b>Discretionary Paid or Unpaid Time Off – may be agreed for the events below</b>		
Attending the funeral of close relative – spouse, child, grandchild, parent, grandparent, sibling	No	1 day paid, up to 3 days (day 2&3 unpaid) in total during a rolling 12 month period
Graduation Ceremony – own	No	1 day paid
Attending the funeral of other relatives or friend	No	1 day unpaid
Moving house	No	1 <sup>st</sup> day paid, up to 3 days (day 2&3 unpaid) in total during a rolling 12 month period
Job Interviews, School Visits and Induction Days	No	
Study and exams for qualification – where agreed and relevant to work	No	0.5 day per exam of 3 hours or less, plus 0.5 day for the examination; 1 day per examination of more than 3 hours, plus 1 day for the examination; Up to a maximum of 3 days paid in total during an academic year.
Wedding of relative/friend	No	Up to 3 days unpaid in total in a rolling 12 month period and usually only 1 day for each single event
Religious festivals	No	
Playing representative sport	No	
Graduation ceremony – dependant	No	
Any other circumstances	No	

## Appendix 2

### Request for Emergency Leave

Complete and sign this form and return it to Headteacher / Line Manager / HR Manager

Requests for time off must be made in advance unless an emergency situation prevents this, in which case this form may be completed retrospectively. Requests will be considered in line with the Emergency and Special Leave Policy and will normally be responded to within five working days.

**Important Note: This form is for internal school use only**

Last Name: .....		First Name: .....	
Date(s) / Time of Emergency Leave			
From (day, time, date) .....			
To (day, time, date) .....			
Total Number of working days/hours: .....days ..... hours			
Reason for Emergency Leave: .....			
.....			
.....			
Signature: .....		(Applicant)	Date: .....
Signature: .....		(SLT Line Manager)	Date: .....
<b>Emergency Leave Approval</b>			
Paid	<input type="checkbox"/>	Unpaid	<input type="checkbox"/>
		Time to be worked in Lieu	<input type="checkbox"/>
Authorised: .....		(Headteacher)	Date: .....
Name: .....			
Your application for emergency leave on ..... has / has not been approved. This leave will be paid / unpaid/ time to be worked in lieu.			
Signed: .....		(HR Manager)	Date: .....



### Appendix 3

#### Request for Discretionary / Special Leave

Complete and sign this form and return it to Headteacher / Line Manager / HR Manager.

Requests for time off must be made in advance unless an emergency situation prevents this, in which case this form may be completed retrospectively. Requests will be considered in line with the Emergency and Special Leave Policy and will normally be responded to within five working days.

Last Name: .....		First Name: .....					
From (day & date) .....		To (day & date) .....					
Total Number of working days/hours: .....		days	hours				
Reason for Special / Discretionary / Unpaid* Leave: .....							
.....							
.....							
Signature: ..... (Applicant)		Date: .....					
I do / do not* support this application.							
Signature: ..... (SLT Line Manager)		Date: .....					
* delete as appropriate							
<b>Cover Required</b>							
Tutor Group Y / N		Duty swap arranged? Y / N					
<b>Day</b>	<b>Period</b>						
	1	2	3	4	5	6	
If the above is not applicable, how will your post be covered during this period? .....							
.....							
<b>Please complete the above sections and send to the HR Manager</b>							
<u>Emergency Leave Approval</u>							
Paid	<input type="checkbox"/>	Unpaid	<input type="checkbox"/>	Time to be worked in Lieu	<input type="checkbox"/>	Not Approved	<input type="checkbox"/>
Authorised: .....		(Headteacher)		Date: .....			
Name: .....							
Your application for special/discretionary leave on ..... has / has not been approved. This leave will be paid / unpaid/ time to be worked in lieu.							
Signed: .....		(HR Manager)		Date: .....			