

# The Auriga Academy Trust

## Special Leave Policy

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## 1. Scope

This policy applies to all staff employed by The Auriga Academy Trust 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, as are entitlements to time off for jury service and other public duties.

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.

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. This is not an entitlement and there is no automatic right to special leave. 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 Procedure.

## 3. Definition of Dependent

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 her/his employee, tenant, lodger, or boarder
- Any other person who would reasonably rely on the employee for assistance if she/he fell ill or was 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. 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 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 5 days per academic year regardless of the number of dependants.

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.

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**

The maximum level of paid leave for observance of religious festivals is 3 days per academic year.

Paid leave 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.

#### **4.5 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 Attending Graduation or Examinations**

Paid leave is granted to staff to attend their own graduation.

Paid leave will be granted for examinations that

- are being part funded / sponsored by the school or Trust

- are recognised as benefiting the school or Trust.

#### **4.9 Jury Service**

It is the Trust's policy to grant employees who are required to attend jury service time off work for so long as they are required by the relevant court. No employee will be penalised or subjected to any detriment for asking for, or taking, time off work to attend jury service.

Any employee who is called up for jury service must immediately notify the Headteacher of the summons in order to request time off work. The employee will be required to produce the court summons for inspection by Trust HR, who will also keep a copy of the document.

If the employee's absence, at the time in question, would be likely to cause the organisation serious disruption or difficulties, the employee will be asked to submit a request to the court to be excused from jury duty. Otherwise, the employee will be granted the necessary amount of time off work to attend for jury service. If, on any particular day that the employee is attending the court, they are not required at court or are required for only part of the day, the employee must return to work for the remainder of that day.

The Trust will pay an employee their basic rate of pay for 10 days of absence for jury service. If, however, the employee is required to be absent for a longer period, pay will be stopped. The employee will, however, be able to claim loss of earnings from the court up to defined limits.

Where the employee is being paid, they must nevertheless make a claim to the court for loss of earnings and notify Trust HR of all sums received from the court, producing the relevant documentation. Such sums will then be offset against the employee's pay. The employee will receive a certificate of loss of earnings with their jury service letter. A copy of the completed form must be sent to Trust HR.

All other terms of the employee's contract will continue as normal during periods of absence for jury service.

Any abuse of the right to time off for jury service will be regarded as serious misconduct leading potentially to disciplinary action against the employee.

#### **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 school's Disciplinary Procedure.

#### **6. Requesting Special Leave**

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. The CEO will submit their request to the Chair of Trustees.

Wherever possible, applications for Special Leave should be made 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.

## **7. Recording Special Leave**

Special Leave will be recorded on the employee's personnel file on Every HR and appropriately recorded and notified on the appropriate return to the Trust's payroll provider.

## **8. 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>rd</sup>s 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.

### **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 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 Trust's Parental Bereavement Leave & Pay Policy.

### **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.

### **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.

### **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.

### **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 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.

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.



### APPENDIX 3: SPECIAL LEAVE REQUEST FORM

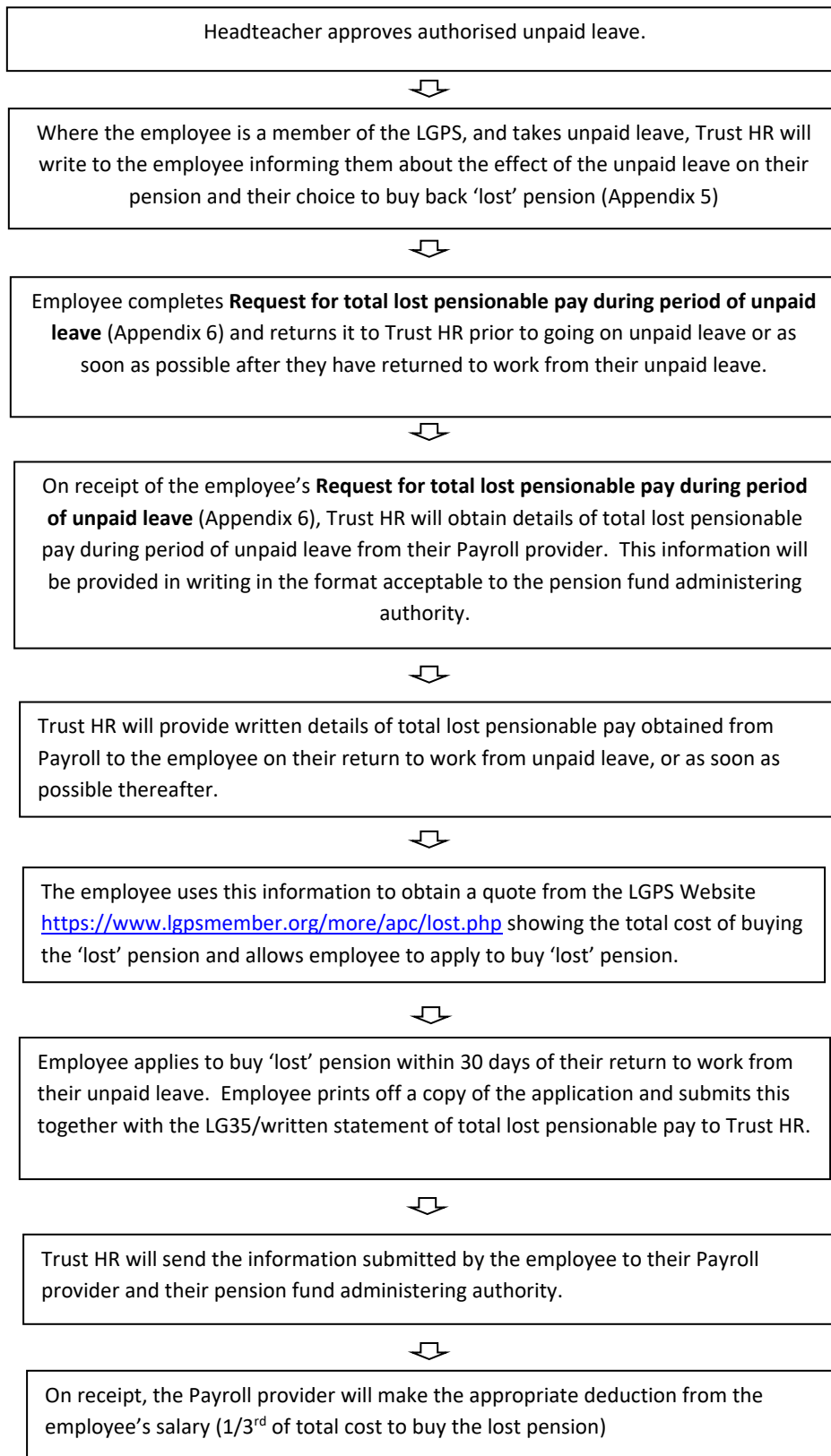
Employees are encouraged to requested special leave in advance using their Every HR log on. Alternatively the below form can be completed.

Employee to Complete	
Name:	
Job Title:	
School	
Name of Line Manager:	
I wish to apply for:      PAID SPECIAL LEAVE <input type="checkbox"/> *UNPAID SPECIAL LEAVE <input type="checkbox"/>	
From (insert date):	To (insert date):
Please give reasons for request (please see Guidance for Employees):	
Employee Signature:	Date:
Headteacher/Line Manager to Complete	
Authorised request for:	
Paid Special Leave for: ..... days	
*Unpaid Special Leave for: ..... days	
Headteacher's/Line Manager's Signature:	Date:

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

**NOTE for Managers: A copy of this form should be retained on the employee's personnel file. Please scan the form and send to Trust HR for upload onto Every HR.**

#### APPENDIX 4: Process for buying 'lost' pension – Flowchart



**APPENDIX 5: Trust HR letter to employee regards buy back of 'lost' pension**

**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)*.

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 2/3rds 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 complete and sign the form at Appendix 6 - Request for Total Lost Pensionable Pay during Period of Unpaid Leave and return it to Trust HR (HR@aurigaacademytrust.org.uk) 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, 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

*(Insert name, job time)*

The Auriga Academy Trust, Trust HR

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

**Once complete, please return this request for information to Trust HR ([HR@aurigaacademytrust.org.uk](mailto:HR@aurigaacademytrust.org.uk))**

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.

I am aware 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: .....