

# 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 their employee, tenant, lodger, or boarder
- Any other person who would reasonably rely on the employee for assistance if they 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 or that of their child. 1 day will be paid for each 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.

#### 4.10 Sabbatical Leave / Career Break

The Trust recognises the importance of supporting its employees to achieve and maintain a healthy work-life balance and that from time-to-time employees may benefit from a longer period of absence from work.

There is no contractual or statutory entitlement to sabbatical leave or a career break. This will be at the sole discretion of the Trust / school and will depend upon the business needs of the Trust / school at the time the application is received.

The below table summarises the criteria for a career break /sabbatical:

<b>Eligibility</b>	1 years' continuous service
<b>Number allowed</b>	One per employment
<b>Purpose</b>	Childcare, caring, study, voluntary work, rehabilitation, career development, travel, other agreed reasons with Headteacher / CEO
<b>Length of leave</b>	3 months to 1 year
<b>Notice to request</b>	6 term time weeks; must align with term dates. Emergency
<b>How to Apply</b>	See below and Section 5
<b>Approval process</b>	Headteacher/CEO + Governing Body/Trust Board
<b>Right of appeal</b>	No
<b>Contract status</b>	Unpaid, remain employee.
<b>Pension &amp; NI</b>	No employer contributions are made. The employee may arrange personal payments. Where the employee is a member of the LGPS,

	the employee can buy back 'lost' pension (see Section 8).
<b>External paid work allowed?</b>	Not allowed
<b>Return-to-work arrangements</b>	If 9 month to 1 year break: meeting 3 months before return, with follow up meeting 1 month before. If < 9 months break: Meeting 1 month before return
<b>Return rights</b>	Return to same role where practicable
<b>Early return</b>	6 weeks' / a term notice is required
<b>Failure to return</b>	Unauthorised absence = disciplinary under gross misconduct
<b>HR involvement</b>	HR notified at approval stage

### How to Apply:

The employee should initially discuss the request for a career break with the Headteacher / (Trust staff-CEO) informally. This gives the employee and the Headteacher / CEO the opportunity to discuss the benefits and barriers, the timing, and the implications for the employee and the school / Trust.

Following this, the employee is required to make a formal application using EveryHR (My Portal > My Leave > + Request General Absence > Reason for Absence (see drop down) > Special Leave: Sabbatical Leave / Career Break). The details section must

- set out clear reasons for the break
- specify the length of the requested absence, and
- state why it would be beneficial to them and what benefit there is to the school / Trust.

All applications will be sent by the Headteacher / CEO to the Chair of the Governing Body / Trust for review with a recommendation regards the application. Trust HR must be notified as to whether the application has been granted in order to amend the payroll arrangements.

### Considering the Application – Relevant Factors:

The Headteacher will be responsible for considering all applications for sabbatical leave / career break. While the applications will be considered on a case-by-case basis, the Headteacher must ensure consistency and fairness in the process and outcomes.

In considering each application, the Headteacher will seek to balance the interests of the employee against the implications for the school. A range of issues are likely to be important and should be considered including:

- The purpose of the sabbatical leave / career break
- The period of time requested
- Previous requests for unpaid leave/ sabbatical leave / career breaks and whether they were granted
- The benefits to the employee (e.g. professional development)
- The benefits to the school / Trust
- Impact on the school / Trust (e.g. staffing - cover arrangements and costs and impact on others and workloads; pupils/students – how many teaching groups will lose teacher continuity and will there be any other identifiable adverse effects on pupils/students?)
- Attendance/performance/conduct (e.g. if there is a live warning in place and/or a monitoring period is in force).

The granting of any period of leave and the length of the leave / break will be entirely at the Trust / school's discretion and will depend upon the needs of the Trust / school at the time the request is received. As there is no guarantee that a request will be agreed, employees must not commit themselves to any plans until they have received confirmation from the Trust / school that their career break application has been approved.

The Headteacher / CEO should aim to respond to the employee with a decision **within 10 working days** of the written application.

### **Declining a Request for Leave:**

Requests can be declined for business and/or operational reasons. The following are examples of the circumstances in which an employee's request may be refused:

- If the employee has failed to give adequate notice of an intended break
- If the employee is taking up alternative employment or starting up a personal business venture
- If, during the break, the employee will be involved in activities which conflict with the interests of the school / Trust
- If it is not possible to cover the employee's post either by recruiting an additional person or reorganising the work amongst existing employees
- If the employee is subject to formal disciplinary or capability proceedings or has a live warning on their file
- If the employee has been formally advised in writing that their post is at risk of redundancy
- If it would result in a substantial negative impact on the school / Trust and/or its pupils/students.

Where a request is declined, the Headteacher / CEO will confirm this on Every HR stating the reasons for declining the request and will meet with the employee to explain why the request has been declined.

### **Granting a Request for Leave:**

Where a request is granted and prior to commencing the break, the Headteacher should carry out a pre-break interview. The interview should cover areas of mutual interest including:

- Name of designated contact at the school
- Arrangements for keeping in touch – it is the employee's responsibility to keep the school informed of their current contact details. The employee must undertake any measures agreed in advance with the Headteacher/CEO to keep in touch with the school during the period of absence. During this period, the Headteacher/CEO will endeavour to keep the employee updated of relevant developments at the school. It is the employee's responsibility to keep the school informed of their correct contact details.
- Arrangements for returning to work
- Cover arrangements
- Terms and Conditions of Employment, pension, and National Insurance contributions.

A written record of the interview should be retained by the school and sent to Trust HR ([HR@aurigaacademytrust.org.uk](mailto:HR@aurigaacademytrust.org.uk)).

## **5. Requesting Special Leave**

Employees must make all requests for Special Leave (with the exception of a Sabbatical / Career Break Leave see 4.10 above) on EveryHR, by accessing My Portal > My Leave and completing the following steps:

- Click the **+ Request General Absence**.
- Select the Reason for Absence from the drop-down menu.
- Add the first and last day of absence.
- In the Details section add further details as necessary, taking into account the Guidance in **Appendix 2**.
- **SAVE** the document by clicking the save button.
- Scroll down and **Upload any documentation** to support the request for leave by clicking the **+ Add Document** button.
- Click **SAVE** again.

Headteachers must similarly submit their own personal requests for Special Leave in the same way on EveryHR to the CEO. 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 using EveryHR.

## **6. 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.

## **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 4** can be used for this purpose. The employee can then apply, if they wish to do so, using the model letter at **Appendix 5**.

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 3**.

## **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: Guidance for Employees: What to add in the Details Section on EveryHR when completing a Special Leave Request**

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:

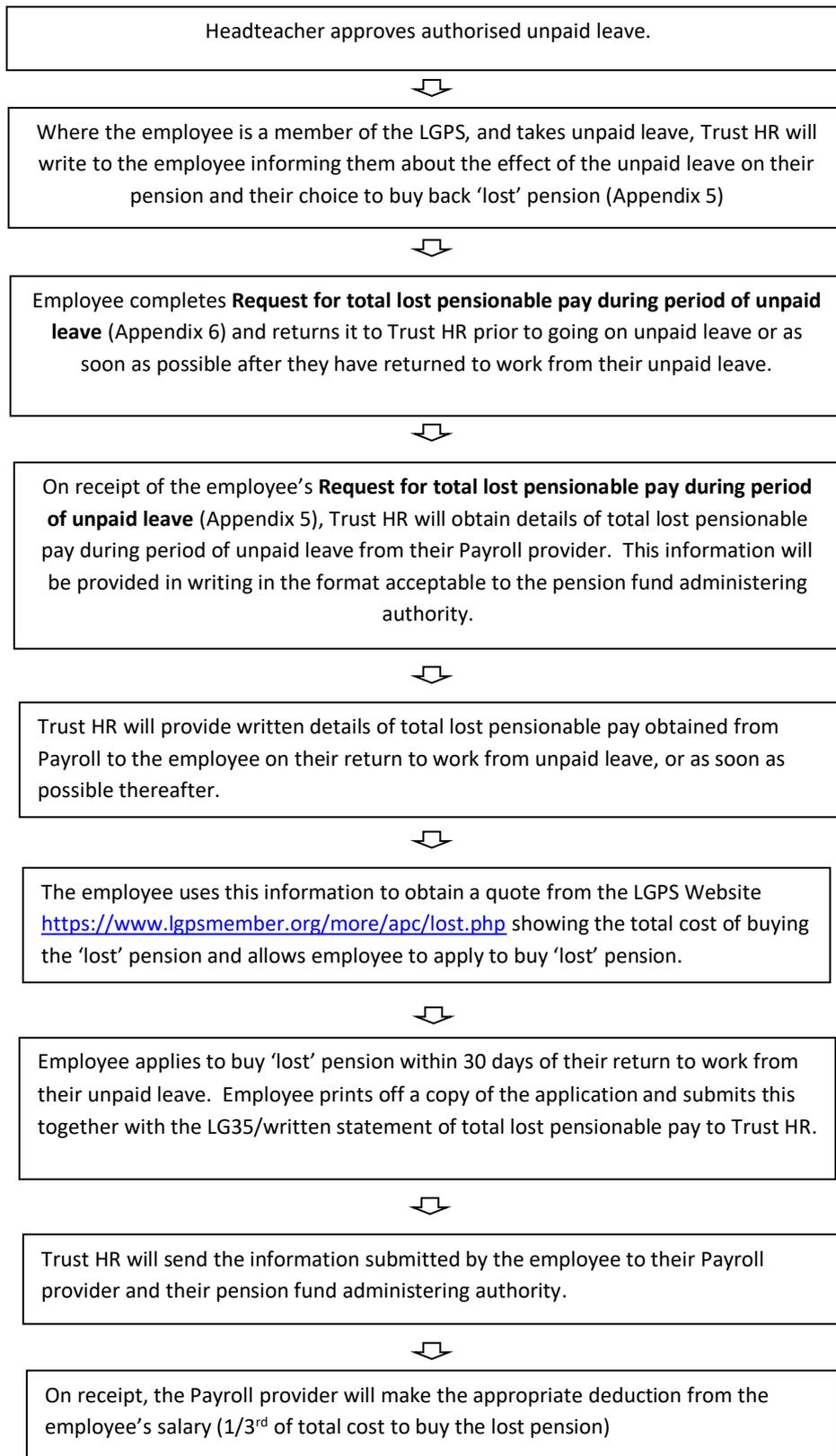
- Type of emergency e.g. flood, house fire, or burglary etc.

### **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: Process for buying 'lost' pension – Flowchart



## **APPENDIX 4: 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](mailto: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 title)*

The Auriga Academy Trust, Trust HR

**APPENDIX 5: 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: .....