



SPECIAL LEAVE PROVISIONS POLICY

FOR TEACHING AND SUPPORT STAFF

(Applicable to absences for reasons other than personal sickness, maternity leave, adoption leave, shared parental leave and paternity leave)

Approved by the Trust Board – July 2021

Date of Review –

INTRODUCTION

This document contains details of Special Leave Provisions as applicable to teaching and support staff working in the Trust and all of its schools.

This includes arrangements for:

1. **Leave for Dependants**
2. **Ordinary Parental Leave**
3. **Parental Bereavement Leave**
4. **Medical and Dental Appointments**
5. **Ante Natal Appointments**
6. **Time Off for IVF Treatment**
7. **Time Off for Elective Procedures (other than IVF)**
8. **Jury Service**
9. **Attendance at Court as a Victim or Witness**
10. **Other Public Service**
11. **Other Special Leave – Support Staff**
12. **Other Special Leave – Teaching Staff**

At **Sections 11 ‘Other Special Leave – Support Staff’** and **12 ‘Other Special Leave – Teaching Staff’**, the document includes the separate arrangements in place for Teachers and Support Staff in other areas for which special leave may occasionally be requested, **for example, for interviews, house removal, compassionate leave etc.**

It is important to be aware that the provisions and entitlements contained within this document are those set out either by law, or as part of Conditions of Service or local provisions negotiated over time.

ADDDITIONAL NOTE:

Provisions for absence for reasons of **personal sickness, maternity leave, adoption leave, shared parental leave** and **paternity leave** are not included here but are set out in **separate documents**.

SPECIAL LEAVE PROVISIONS POLICY

Except in cases of serious urgency no employee of the school/ Trust may, without previous permission, be absent from duty for any cause other than personal illness. The arrangements set out in this document apply in relation to temporary absence.

GENERAL CONSIDERATIONS

- It is a general principle that additional leave and/or extended periods of absence should be limited to circumstances justifying exceptional treatment of an employee.
- Any employee requiring leave of absence for any cause other than personal illness must apply in writing, detailing the circumstances, to the Head teacher.
- A Head teacher requiring leave of absence for any cause other than personal illness must apply for it, in writing, to the **CEO** detailing the circumstances.
- Requests for paid and unpaid time off will be granted, where possible, in circumstances where the timing of the absence is generally beyond the control of the employee concerned.
- In considering applications, differentiation will not be made between full and part-time employees. Part-Time staff will be treated similarly, on a pro-rata basis.
- Any member of Trust staff taking such leave without permission will be subject to disciplinary action.
- **Support Staff:** It should be noted that the annual leave entitlement of all full year employees may allow them the ability to use annual leave to cover normal personal needs. Term time employees are required by the nature of their contracts to be in school during those periods. Therefore, particular consideration may need to be given where difficulties arise during term time.

SPECIAL LEAVE PROVISIONS POLICY

1. LEAVE FOR DEPENDANTS

Where an unexpected event occurs ALL employees of the school/Trust (irrespective of length of service, and whether they are part time or full time) are entitled to take **a reasonable amount of unpaid time off to deal with an emergency** and not to be dismissed or victimised for doing so. It enables employees to deal with an unexpected or sudden problem and make any necessary longer term arrangements. This may include:

- providing assistance when a dependant falls ill, or is injured or assaulted
- making arrangements for the provision of care for an ill or injured dependant
- dealing with the unexpected disruption, or termination, of arrangements for the care of a dependant
- dealing with an incident that involves their child
- take action required in consequence of the death of a dependant.

The employee must inform his/her Head teacher or manager of the reason for the absence, and how long s/he expects to be absent, as soon as is reasonably practicable. There is **no set time limit** to the amount of unpaid time off which can be taken. However, **in most cases the amount of leave is envisaged as being no more than one or two days to deal with the emergency and put suitable arrangements in place**, where this is necessary, such as alternative care for the dependant. This will depend upon the individual circumstances. It may be possible to take a longer period of leave under other arrangements (e.g. for support staff, flexi-leave or annual leave). This should be discussed with the Head teacher/manager.

A dependant is:

1. a spouse
2. a civil partner
3. a child
4. a parent
5. a person who lives in the same household as the employee as part of the family (i.e. other than as his/her employee, tenant, lodger or boarder)
6. any other person who would reasonably rely on the employee for assistance if s/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 may be the primary care or the only person who can help in an emergency.

An employee with parental responsibility for a child or children who wishes to take a period of unpaid leave for a reason other than an unexpected event/emergency may be entitled to take **Ordinary Parental Leave** (see 2. below) and/or Parental Bereavement Leave (see 3. below) depending upon the circumstances. Other Special Leave provisions may also apply – see section 11 of this document, Other Special Leave – Support Staff and section 12, Other Special Leave – Teaching Staff.

For information about leave for the purposes of caring for a child or the child's mother around the time of birth please see the separate **Paternity Leave** provisions.

2. ORDINARY PARENTAL LEAVE

What is Ordinary Parental Leave?

Ordinary Parental Leave is the right to take **planned, unpaid** time off work to look after a child's welfare. This may, for example, be to allow parents to:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- be with a child in hospital
- spend more time with extended family such as visiting grandparents
- take time off straight after maternity, paternity or adoption leave.

Ordinary Parental Leave is intended to support parents in spending more time with their children and help them to strike a work-life balance that works for them. It is not intended, for example, to allow school/Trust employees time off to pursue a hobby. If eligible, both parents may take parental leave, including those in same-sex relationships.

If the child suddenly falls sick and there is no time to give notice to the Head teacher or manager, the provisions of **unpaid Leave for Dependants** applies, as set out in 1. above.

This provision gives employees of the Trust the right to go to an employment tribunal if their employer prevents, or attempts to prevent, them from taking parental leave. It also protects them from victimisation, including dismissal, if taking parental leave.

Eligibility

All school/Trust employees with 12 months' continuous service have the right to ordinary parental leave, which may be taken in addition to any entitlement to maternity, paternity or adoption leave.

An employee will qualify for the leave if s/he:

- has been continuously employed by the Trust or anyone of its schools for at least one year by the date on which s/he wishes to take Parental Leave; **and**
- is the biological mother of a child who is under 18 years old; **or**
- is the father of the child and is married to (or later marries) the mother of a child who is under 18 years old; **or**
- is an unmarried father and is registered on the birth certificate (this only applies to births registered since 1st December 2003); **or**
- has adopted a child who is under 18 years old; **or**
- has acquired formal parental responsibility for a child who is under 18 years old.

If parents are separated and don't live with their children, they have the right to ordinary parental leave if they keep formal parental responsibility for the children.

For those who do not automatically have 'Parental Responsibility' (PR), it may be acquired by (according to the circumstances) re-registering the birth with the mother, making a PR agreement with the mother's/child's parents consent, applying to Court for a PR order, applying for an adoption order or by becoming a child's guardian.

The right to Ordinary Parental Leave does not apply to foster parents (unless they have secured PR through the courts).

The school/Trust may ask for proof of entitlement to ordinary parental leave as long as it is reasonable (for example, in the form of a birth certificate, papers confirming the child's adoption or the award of disability living allowance for the child).

Leave Entitlement

- School/Trust Employees who meet the above eligibility criteria have the right to take **up to 18 weeks' unpaid leave for each child and/or adopted child, up to their 18th birthday.**
- **For part-time employees, a pro rata calculation is made. A 'week' equals** the length of time an employee normally works over 7 days. For example, if an employee works 3 days' a week, one 'week' of parental leave equals 3 days.

- The limit on how much ordinary parental leave each parent can take is **4 weeks in a year for each child**
- Ordinary Parental Leave does not have to be taken all at once
- **Ordinary Parental Leave must be taken as whole weeks** (e.g. 1 week or 2 weeks) rather than individual days, unless the child is disabled
- **Mothers can take up to 4 weeks' Ordinary Parental Leave immediately after a period of maternity leave**, provided that any notice requirements and qualifying periods are met
- **Ordinary Parental Leave is an individual right** and cannot be transferred between parents
- **Ordinary Parental Leave applies to each child, not to an individual's job.** For example, if an employee has used 10 of the 18 weeks' entitlement with a previous employer, s/he can use up to 10 weeks with his/her new employer, if eligible.

Notice Requirements

- **The employee must give a minimum of 21 days' notice** before his/her intended start date
- **The School/Trust may postpone the leave by up to six months** if the period proposed is unduly disruptive. If it is postponed, the Trust:
 - Must write explaining why within 7 days of the original request
 - Must suggest a new date within 6 months of the requested start date
 - Cannot change the amount of leave being requested.
- **The leave cannot be postponed if:**
 - The School/Trust does not have a 'significant' reason
 - It is being taken by the father or partner immediately after the birth or adoption of a child
 - It means the employee would no longer qualify for Ordinary Parental Leave, e.g. postponing it until after the child's 18th birthday.

Ordinary Parental Leave cannot be postponed for a second time, even if the School/Trusts reasons for refusing the leave in the first instance have not changed.

Effects on Conditions of Service

Time taken as Ordinary Parental Leave is treated as continuous service.

Annual Leave: A period of absence on Ordinary Parental Leave does not affect entitlement to paid annual leave.

Redundancy: A period of Ordinary Parental Leave counts towards a period of continuous employment for the purposes of statutory employment protection rights, including calculating a redundancy payment.

Pension: If contributions are not made whilst on unpaid leave, pension entitlement may be affected. Trust employees should refer to their pension scheme administrator for further information.

RECORD KEEPING AND REQUIREMENTS FOR EVIDENCE

The School/Trust is not required to keep statutory records of Ordinary Parental Leave taken. However, records will normally be kept of requests made and the amount of Ordinary Parental Leave taken. This will be important in determining how much Ordinary Parental Leave an employee may still have available to him/her at any point in time.

As parental leave applies to each child and **not** to an individual's job, keeping a record of Ordinary Parental Leave taken will also be important should a new employer request this information. The Trust has the right to make enquiries of a previous employer or seek a declaration from the employee as to how much Ordinary Parental Leave he or she has taken.

For each child, evidence of an employee's relationship to, and responsibility for, the child may be required in the form of birth, marriage or other certificates, adoption or placement papers or proof of the award of disability living allowance, as appropriate.

Although it is not a statutory requirement for a request for Ordinary Parental Leave to be in writing, requests will normally be required in this form. This will help to avoid any unnecessary misunderstandings or disputes about the length of leave required and the precise dates requested.

ADDITIONAL NOTE:

'Ordinary Parental Leave' (sometimes simply known as **'Parental Leave'**) under this heading is not to be confused with **'Shared Parental Leave' (SPL) or Parental Bereavement Leave (PBL)**.

SPL and Shared Parental Pay (ShPP) enables eligible parents/partners to share the care of a child during the first year of birth or adoption. Employees can commence SPL if eligible and they or their partner end their maternity or adoption leave or pay early. The remaining leave will be available to them as

SPL. Remaining pay may be available as ShPP. For full details please see the separate Shared Parental Leave Provisions document.

PBL enables parents to take time off in the event of the death of a child. For full details see 3. below, **Parental Bereavement Leave**.

3. PARENTAL BEREAVEMENT LEAVE

Regulations are in place to enable school/Trust employees who are parents, or who have parental responsibility, to take time off work in the event of the death of a child. The **Parental Bereavement Leave Regulations 2020 (PBL)** and the **Statutory Parental Bereavement Pay (General) Regulations 2020 (SPBP)** cover deaths or stillbirths occurring on or after 6th April 2020.

What is Parental Bereavement Leave?

PBL is a period of one or two weeks' leave that may be taken at any time within 56 weeks of the death of a child. For this purpose, a child is defined as a person under the age of 18 and includes also babies stillborn after at least 24 weeks' gestation (the date of death being the date of the stillbirth). PBL may be taken as one whole week, two consecutive weeks or two separate weeks taken at different times and may start on any day of the week. In circumstances where a parent loses more than one child, s/he is entitled to PBL in respect of each child.

Eligibility

PBL applies:

- **To employees, but not to workers, agency workers or self-employed contractors.**
- **From Day 1 of a person's employment.** i.e. there is no requirement for a minimum period of service.

The Regulations are written to cover a wide range of parental relationships. The following are eligible for the leave:

- **Parents, inc. adoptive parents and those who become parents under statutory provisions governing surrogacy and fertility treatment.** Eligibility for leave or pay where an individual or their partner has a child with the help of a surrogate:
 - after a parental order was made
 - before a parental order was made if they had applied or intended to apply for a parental order within six months of the child's birth and expected it to be granted
- **A child's natural parent where the child has been adopted but there is a court order** for the child to have contact with their natural parent.

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- **A person with whom the child has been placed for fostering or adoption.** Eligibility for pay or leave in relation to adoption applies:
 - after the adoption order was granted
 - before the adoption order was made, if the child was placed with the person and the placement was not disrupted (for example, being temporarily placed elsewhere) or stopped
- **A person living with a child who has come from overseas** and has received official notification that they are eligible to adopt the child and intend to do so.
- **A “parent in fact”.** This is a person who has been living with and has day-to-day responsibility for a child, for a continuous period of at least four weeks before death. This includes guardians and foster parents but not a paid carer (other than a local authority foster carer). This does not apply if the child’s parent or anyone with legal responsibility is also living in the home and therefore excludes older siblings unless neither parent is living at home with the child.
- **The partners of any of the above are also included.** This means anyone living with one of the above persons in an “enduring family relationship” but is not the child’s parent, grandparent, sibling, aunt or uncle.

Additional Clarification relating to the above

If an individual or their partner were being paid to look after the child, they do not qualify for leave or pay UNLESS they were:

- A foster parent being paid a fee or allowance by a local authority
- Reimbursed for expenses related to caring for the child
- Getting payments under the terms of a will or trust for the child’s care.

They are not eligible if one of the child’s parents or someone who had legal responsibility for the child was also living in the household.

Leave Entitlement

PBL may be taken at any time within 56 weeks of the death. The reason for this period is the expectation that parents may wish to take the second week of the leave around the first anniversary of the date of death.

PBL should be taken in complete weeks (a period of seven days). If an employee takes fewer than seven days this still counts as a whole week against his/her statutory entitlement.

To exercise the right to take PBL, the employee must give notice to the Trust.

The amount of notice depends upon when the leave is being taken, as follows.

Leave to be taken 0-8 weeks (56 days) after the child’s death or stillbirth:

The employee must give the school/Trust notice before s/he would normally start work on the first day of the week or weeks s/he wishes to take off work.

Leave to be taken 9 to 56 weeks after the child's death or stillbirth (i.e. after 56 days): The employee must give the school/Trust at least one week's notice of the week or weeks s/he wishes to take off work.

The employee must verify:

- The date of the child's death
- When s/he wants the PBL to begin
- How much leave s/he wishes to take, either one or two weeks.

The employee may speak to their Head Teacher/ Manager by phone, leave a voicemail, send a text message or an email. S/he is not required to give written notice, for example, via a form or letter. S/he does not need to provide proof of death or stillbirth.

The employee may cancel or change the date of his/her PBL and, if it is to be taken within 9 to 56 weeks (i.e. after 56 days), it can be cancelled by giving one week's notice. However, PBL cannot be cancelled once it has started.

Entitlement to Statutory Parental Bereavement Pay (SPBP)

An employee who takes PBL may also be eligible for SPBP if s/he meets eligibility criteria and provides the required notification for claiming SPBP. S/he must have:

- At least 26 weeks' continuous employment up to the end of the 'relevant week'. This is the week (ending with a Saturday) immediately before the week of the death or stillbirth.
- Normal weekly earnings, in the eight weeks prior to the child's death, which are no less than the lower earnings limit for National Insurance Contributions.

The employee may ask for SPBP within 28 days, starting with the first day of the week s/he was off work. S/he must give the school/Trust, in writing (e.g. letter, email or form) each time:

- His/her name
- His/her entitlement to SPBP
- The dates of the period s/he wishes to claim SPBP
- The date of the child's death or stillbirth
- His/her relationship with the child.

The employee will also need to give a 'declaration' to the school/Trust to confirm that s/he is eligible due to his/her relationship to the child. The employee only needs to do this once when s/he first requests pay. The employee may:

- Complete the declaration form online at <https://www.tax.service.gov.uk/submissions/new-form/claim-statutory-parentalbereavement-pay/one-per-user>
- Declare in writing that s/he is eligible for SPBP because of his/her relationship with the child

Once completed, the employee must send the declaration to the Trust to check the information and eligibility.

SPBP will be paid at the same rate as statutory paternity pay or 90% of weekly earnings if lower.

It should be noted that employers are able to increase the amount of pay in accordance with their own occupational compassionate leave/pay policies.

Accordingly, arrangements for Other Special Leave, inc. compassionate leave, deaths and funerals, for school staff, are set out in Sections 11 and 12 of this document and should be read in conjunction with this Section 3. on Parental Bereavement Leave. These will apply where more generous.

Interaction with Other Types of Leave and Pay

As referred to above, this section on Parental Bereavement Leave and Pay should be read in conjunction with **Sections 11. of this document on 'Other Special Leave – 'Support Staff' and 12. 'Other Special Leave – Teaching Staff'. These provisions will apply where they are preferable to the statutory Parental Bereavement Leave and Pay arrangements.**

Where an employee is taking another type of statutory leave – for example, Maternity or Paternity Leave – when the child dies or the stillbirth happens, Parental Bereavement Leave must start after the other leave has ended but does not have to be taken immediately after. This includes if the statutory leave is for another child.

If Parental Bereavement Leave is interrupted by the start of another type of statutory leave, the employee can take his/her remaining entitlement to PBL after that other leave has ended.

An employee may take PBL between blocks of Shared Parental Leave that is booked before the child died. This includes if the shared parental leave is for another child.

Leave for Dependants – See also 1. above. This leave allows for a reasonable amount of unpaid leave to deal with an emergency and/or take necessary action, inc.as a consequence of the death of a dependant. The Trust understands this only enables employees to deal with logistical matters

arising as a result of the death such as arranging and attending the funeral. The Trust recognises that this is not the same as compassionate leave. Employees may wish to take this leave separately from PBL to deal with administrative matters rather than use a whole week of PBL to which they are additionally entitled. However, other provisions set out in sections 11 and 12 of this document relating to other special leave, inc. compassionate leave, may be more generous and employees should discuss with their Manager/the Head teacher how the different types of leave available in these circumstances may be best applied.

Notwithstanding the above, PBL/remaining PBL must still be taken within 56 weeks of the date of death or stillbirth.

Note that Statutory Parental Bereavement Pay is not payable in any weeks in which the employee is entitled to Statutory Sick Pay, even for just part of the week.

Effects on Conditions of Service

Similarly, to Maternity, Adoption, Paternity and Shared Parental Leave, the employee retains the benefit of all his/her terms and conditions of service, except remuneration.

Time taken as Parental Bereavement Leave is treated as continuous service.

Annual Leave: A period of absence on PBL does not affect entitlement to paid annual leave.

Redundancy: A period of PBL counts towards a period of continuous employment for the purposes of statutory employment protection rights, including calculating a redundancy payment.

Pension: If contributions are not made whilst on any unpaid period of leave, pension entitlement may be affected. Employees should refer to their pension scheme administrator for further information.

ADDITIONAL NOTES:

- Under the relevant legislation, The School/Trust is not entitled to request a copy of the child's death certificate as evidence of an employee's right to PBL.
- It is acknowledged that different religions have their own bereavement traditions and funeral rites that are followed. The school/Trust recognises that refusing to allow an employee to observe his/her beliefs and customs could amount to religious discrimination.
- Under the Data Protection Act 2018, employees have the right to keep details of their child's death confidential. It is vital for managers to be clear on how much detail employees would like their colleagues to know and ensure that their wishes are respected.

4. MEDICAL AND DENTAL APPOINTMENTS

Ad-hoc **medical and/or dental appointments should be made in an employee's own time, wherever possible.** However, it is recognised that this is not always possible and an individual may have little, or no, control over the matter. For example, there will rarely be any choice of date or time with regard to hospital appointments. Securing a Doctor's appointment can also prove problematic on occasion and different Surgeries may operate different systems and/or arrangements. Hours of work may also affect the ability to arrange appointments outside of working hours. Accordingly, the circumstances of each case will be taken into account. The aim is to adopt a reasonable, pragmatic approach to ensure that all staff are treated in a fair and consistent manner.

Where it is not possible, or reasonable, for an employee to make a particular appointment in his or her own time, then it will normally be classed as special leave with full pay and not treated as sickness absence or recorded as such (unless it is part of a current sickness absence – see below). In these circumstances, it will be recorded on the Absence Return and/or the Head teacher/Manager will record it in his or her own records. The recording of this information is very important in identifying any patterns relating to absences.

Where an employee has an appointment that is part of an immediate or current absence, or where it is for treatment as opposed to consultation, this will be classed as sickness absence in the same way as the time spent by an employee in hospital. This situation could arise, for example, where an employee attends an appointment(s) for treatment as a result of a particular illness or injury, or where s/he calls in sick and intends to consult a Doctor about his/her illness or injury etc. Similarly, if an individual is trying to obtain an emergency dental appointment and does not come into work (or has to leave for this reason part way through the day) then this is sickness absence.

In some cases, it may be difficult to determine whether an appointment is for consultation or treatment. However, the history of the employee's illness, plus any letter regarding the appointment should be of assistance. Further advice will be sought from the Schools' Personnel Service (SPS) (or HR provider, as applicable) or Occupational Health Service (OHS) as appropriate, in relevant circumstances.

The Trust's "Code of Conduct for All Staff" document also refers to medical and dental appointments, the need to make them outside of working hours where possible and the need to agree time off (other than in an emergency) with the Head teacher/Manager at the earliest opportunity. All staff should familiarise themselves with the Trust's Code of Conduct document.

Employees will normally be allowed reasonable paid time off for necessary attendance for **breast and cervical cancer screening**, as well as to attend **blood donor sessions**.

(Note - The **requirements relating to medical and dental appointments do not apply to ante-natal appointments**. A pregnant employee has the right to paid time off to attend for ante-natal care. See 5. below).

It is recognised that the school has a duty of care towards their staff and their general wellbeing. Staff will be encouraged and supported in attending for both necessary and other routine checks.

5. ANTE NATAL APPOINTMENTS

Antenatal care is the care given to women during pregnancy. The number of antenatal appointments will normally be between seven and ten. Under certain circumstances, and for certain medical reason, some women may require more.

Pregnant Employees

Pregnant employees are entitled to reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner.

Ante-natal care may include not only medical examinations but also antenatal classes, relaxation classes and parent-craft classes if recommended by a registered Doctor, Midwife or Health Visitor.

Except for the first appointment, employees should show the Head Teacher/line manager (if requested), an appointment card or other documents showing that an appointment has been made. (Employees do not have to tell the Head Teacher or line manager the reason for the first ante-natal appointment, simply stating a Doctor's appointment instead. However, they cannot subsequently ask for paid time off without explaining why).

Note: **Agency workers** are entitled to paid time off for antenatal care when they have worked for 12 weeks in the same job.

Fathers and Partners of a Pregnant Woman

Fathers, partners and civil partners of a pregnant woman are entitled to unpaid time off during working hours to accompany her to 2 ante natal appointments. The time off is capped at six and a half hours for each appointment.

There is no legal right to paid time off for fathers/partners to attend ante natal appointments.

The school is not entitled to ask for evidence of the appointment. This is because the appointment card belongs to the expectant mother. However, the employer can ask for a signed declaration stating the date and time of

the appointment and confirming that the employee is in a qualifying relationship with the pregnant woman or her expected child and that the

purpose of the time off is to accompany her to the appointment, made on the advice of a GP or midwife.

Surrogacy Parents

Those who will become parents through a surrogacy arrangement, if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child, have the right to unpaid time off work to accompany the birth mother to two antenatal appointments, as above.

Adopters

The main adopter will be able to take paid time off for up to 5 adoption appointments. **The secondary adopter** will be entitled to take unpaid time off for up to 2 appointments.

6. TIME OFF FOR IVF TREATMENT

There are no specific recommendations for dealing with requests for Time off to undergo IVF Treatment. There are a number of possible alternatives for responding to requests for time off for this purpose:

- Doctors/Hospital appointments may be treated in the same way as any other medical appointments. Note that, it may be possible (but not always) for individuals to make appointments, or at least some appointments, outside of school hours and/or during holidays;
- Up to a specified maximum amount of paid leave may be agreed beforehand/an initial amount of paid leave could be agreed with an understanding that this will be kept under review depending on progress of treatment etc;
- A combination of the above may be utilised depending on the nature/timing/duration of treatment.

Employees will be made aware of any specific arrangements that may be put in place for absences of this nature. Otherwise, each case will be considered individually on its merits, following discussion with the employee and according to all the prevailing circumstances at the time. The intention is to be fair and reasonable in the particular circumstances of the case, whilst at the same time taking care to act consistently.

If the treatment causes pain, sickness or illness then any resulting absence will be treated as sick leave in the normal way. In these circumstances, the usual sickness absence reporting and certification procedures are followed.

It is recognised also that fertility treatment will to some extent affect males as well as females, either in terms of the treatment itself or in relation to accompanying a partner to an appointment.

7. TIME OFF FOR ELECTIVE PROCEDURES (OTHER THAN IVF)

Sick leave cannot normally be taken for elective procedures such as cosmetic surgery. Wherever possible, employees should try and arrange for the surgery to coincide with a period of school closure. Where this is not possible, annual leave (in the case of support staff on relevant contracts), unpaid leave or flexible working arrangements will be considered by the Head teacher, at his/her discretion according to all the prevailing circumstances.

Should the consequences of an elective procedure mean that the employee needs time off to recover, then this will be treated as sickness absence in the normal way, provided that the usual sickness absence reporting and certification procedures are followed.

In the case of treatment or a procedure to correct, or prevent sickness absence arising, from a diagnosed medical condition, treatment will not normally be regarded as sickness absence and authorised paid absence will be granted. Following the treatment or procedure, any necessary time off will be regarded as sick leave, again with the requirement that the usual absence reporting and certification procedures are followed.

8. JURY SERVICE

Any employee summoned for Jury Service must inform the Head teacher/manager as soon as possible and provide a copy of the Jury Service Summons and the accompanying Loss of Earnings form.

Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. The Loss of Earnings allowances from the Court will be made up to the employee's normal level of earnings. The employer completes the Loss of Earnings form and the employee must give the completed form to the Clerk of the Court on the first day of Jury Service.

Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice MUST be forwarded by the employee to the Head teacher/ line manager as soon as possible on returning to work.

The employee's salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An Employee cannot be paid twice by the Court and the employer for the same days.

Where an employee is not needed at Court on any day(s) the employee is required to attend work as normal. Where proceedings are postponed, or finish early, s/he must return to work for the remainder of the day wherever practicable. The employee must keep the school regularly informed about how long s/he is likely to be away from work.

The school/ Trust must allow an employee time off work for Jury Service but may ask the employee to seek to delay the Jury Service if the absence will have a serious effect on the business/organisation. It may be possible to delay ('defer') Jury Service, for example, if:

- the employee has already booked a holiday
- the employee is having an operation
- the employer won't allow/is reluctant to allow time off work.

To seek to defer it is necessary to write to the Jury Central Summoning Bureau explaining the circumstances and including evidence of unavailability, for example:

- proof of holiday booking
- a Doctor's letter
- a letter from the employer explaining why they cannot allow time off.

The employee must also list the dates when s/he will be available in the 12 months after s/he would have been due to start Jury Service. **Jury Service may only be deferred once.**

Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on Jury Service.

9. ATTENDANCE AT COURT AS A VICTIM OR WITNESS

Expenses can be claimed for attendance at Court to give evidence.

Similarly, to Jury Service, if an employee receives a subpoena to give evidence in Court, s/he must claim the allowance from the Court for the loss of earnings to which s/he is entitled. S/he can obtain an expenses form from his/her solicitor or a Court Official. The employee's salary will accordingly be reduced by the amount paid by the Court.

10. OTHER PUBLIC SERVICE

Employees are entitled to a 'reasonable' amount of time off work to carry out certain public duties. Public duties include service such as a:

- Magistrate (also known as a Justice of the Peace)
- Local Councillor
- School Governor
- Member of any statutory Tribunal (e.g. an Employment Tribunal)
- Member of the managing or governing body of an educational establishment
- Member of a Health Authority
- Member of the Environment Agency
- Member of the prison independent monitoring boards

It should be noted that the school/Trust can choose to pay an employee for time off public duties but does not have to. However, consideration will be given to a **maximum of 18 days (or 36 half days) per annum paid leave** at the discretion of the Head teacher/manager.

As soon as an employee is aware that s/he will require time off for performance of a public service s/he should request leave of absence from the Head teacher/line manager.

Each request for time off will be considered on its merits, taking into account:

- How much time off may be required
- How much time off the employee has already taken for public duties
- How the time off will affect the School/Trust

The school/ Trust is entitled to refuse a request for time off if it is considered to be unreasonable.

Agency workers are not entitled to ask for time off work for public duties.

Note: The 'Conditions of Service for School Teachers in England and Wales' (known as the 'Burgundy Book') states that "Teachers shall have entitlements comparable with those of local authority officers so far as paid and unpaid leave entitlement is concerned for jury and other public service."

OTHER SPECIAL LEAVE – SUPPORT STAFF

a. On a discretionary basis, salary **MAY BE PAID** for the following absences for which the Head teacher has received written advice.

Reason for Absence	Period during which salary is payable
<p>Death of a Near Relative Discretion will be exercised in terms of the interpretation of relationships within families and 'nearness'. However, 'near relative' may, <u>for example</u>, include:</p> <p style="padding-left: 40px;">Spouse/Civil Partner/Partner Mother/Father (inc. step-parent) Brother/Sister (inc. step-sibling) Son/Daughter (inc. step-children) (If brought up by grandparents or aunt/uncle or other person these arrangements would also apply)</p> <p>Funeral of Near Relative</p> <p>To Attend Job Interviews</p> <p>House Removal</p> <p>Volunteer members of Non-Regular Forces</p>	<p>3 days paid compassionate leave</p> <p>1 or 2 days (according to needs)</p> <p>Reasonable paid time off for internal or other Local Authority/School Appointments</p> <p>Up to 2 days where it is agreed that it is necessary for a new member of staff to move his/her place of residence to within commuting distance of the workplace, or otherwise discretionary according to the circumstances</p> <p>Up to one week's paid leave to attend summer camp</p>

b. Salary **SHALL BE UNPAID** for the following absences for which the Head teacher has received written advice.

Reason for absence	Period of unpaid leave
Severe illness of near relative	Up to 10 days' unpaid leave
Contesting Parliamentary Elections	Up to 3 weeks' unpaid leave

c. Other Requirements

It is recognised that there are no school closure periods or bank holiday leave entitlement for **religious festivals** other than Christmas and Easter. The School will, therefore, be sensitive to employees' spiritual and religious requirements and will ensure that - where possible, taking into account the needs of the service - requests for annual leave, unpaid leave or flexibility in terms of working hours for the purpose of religious observance can be accommodated.

In exceptional circumstances, **where absence in excess of the provisions set out in Section 10 of this document appears to be necessary**, it may be possible to extend the period of absence (at the discretion of the Head teacher, where s/he has delegated authority, or otherwise the CEO)

11. OTHER SPECIAL LEAVE – TEACHING STAFF

a. Salary **SHALL BE PAID** for absence for which the Head teacher has received written advice)

Reason for Absence	Period during which salary payable
Death of husband, wife, civil partner, partner, parent or child	5 working days
Attendance at funeral in approved representative capacity	Up to 3 working days as necessary according to distance and circumstances
Removal of household effects	1 working day
To attend interview for other appointment	Up to 3 working days according to distance and circumstances

b. Salary **MAY BE PAID** during other absence for which the Head teacher has received written advice

Reason for absence	Salary payable for a period not exceeding
Serious illness of husband, wife, civil partner, partner or child	5 working days
Serious illness <u>OR</u> death of other near relative	3 working days
Serious illness <u>AND</u> death of other near relative	5 working days
Wedding of near relative	1 working day
Examination, if it is one that would improve the educational qualifications of the teacher	Period necessary to sit for the examination
Approved courses	Duration of course
Attendance at approved conferences	The period the conference is in session plus reasonable travelling time
Religious festivals	3 days in a calendar year (1 January to 31 December) as required by the religion for observance of religious festivals
Attendance at meetings of Public Examination Boards. In accordance with the recommendations of the Local Authority Associations	The period permitted by such recommendations
Reserve training in H.M. Forces	A period to be determined in each individual case. (The teacher will normally be expected to arrange for such training to be undertaken during vacation periods)
Study Leave	An application for study leave will be considered on its merits but an approval will not exceed 13 weeks

c. Absences not covered above – Teaching staff other than Headteachers

- (i) Salary during absence for **other good and sufficient cause** may be paid on the authority of the Head teacher for a period **not exceeding one working day.**
- (ii) Salary during absence for **other good and sufficient cause for periods exceeding one working day** may be paid on the authority of the Head teacher.

d. Absences not covered above – Head teachers

Where a Head teacher may be absent for **other good and sufficient cause for a period of one working day or more**, salary may be paid on the authority of the CEO.

e. Salary **SHALL BE UNPAID** for the following absences for which the Head teacher has received written advice.

Contesting Parliamentary Elections

Up to 3 weeks' unpaid leave