



Special Leave Policy
Fairfax Multi-Academy Trust

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1. Introduction

- 1.1 Special leave is not an entitlement to a number of days off per year. The purpose of special leave is to ensure that employees can manage exceptional circumstances that may occur in their lives where it is not possible to arrange these during holiday periods or prior to starting/after finishing work and time off may be required. This policy sets out the framework against which the Trust will exercise its discretion to grant special leave of absence in a range of circumstances.
- 1.2 Employees should ensure that, other than in emergency situations, they make their request for leave in advance to enable the Trust to consider the request carefully and to ensure that cover can be arranged where necessary.
- 1.3 All periods of leave of absence will be recorded and considered on the basis of an academic year. All entitlements referred to in this policy will be pro rata for parttime employees.
- 1.4 If a Head of Academy or other line managers consider a request made by an employee for more time off than stipulated in this policy based on the individual's circumstances, approval must be sought from the CEO.
- 1.5 Any employee who is suspected to have abused the provision for time off may be subject to disciplinary proceedings in line with the Disciplinary procedure.
- 1.6 This Special Leave policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation.

2. Scope and purpose

- 2.1 This policy applies to all employees of Fairfax Multi-Academy Trust, employed on either a permanent or fixed-term contract, regardless of their length of service and excludes contractors and agency staff.
- 2.2 The purpose of this policy is to ensure that employees within the Trust understand how requests for leave will be considered by the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO). It will also ensure that staff across the Trust are treated in a fair and consistent manner when requesting time away from work.

3. Requesting special leave

- 3.1 Employees are encouraged to make personal arrangements outside their normal working hours whenever possible, in order to minimise the impact on pupils, their colleagues and their jobs. Staff should have regard to future commitments and school holidays and schedule commitments accordingly. However, it is recognised that occasionally, this may not be possible for reasons beyond an employee's control.

3.2 Except in emergencies, permission to take special leave as outlined in this policy must be requested as far in advance as possible using the appropriate form (Appendix 1).

3.3 Where a request for leave of absence is refused, the member of staff should be advised of the reasons for this decision.

4. Time off for dependants

4.1 The law recognises and we respect that there will be occasions when an employee will need to take time off work to deal with unexpected events (emergencies) involving a dependant. All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:

- provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- make longer-term care arrangements for a dependant who is ill or injured;
- take actions required in consequence of the death of a dependant;
- deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or
- deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

4.2 A dependant for the purposes of this policy is:

- an employee's spouse/partner, (step) child or parent;
- a person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee; or
- anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 4.1.

4.3 Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis, and it is necessary to take action in relation to a dependent. This will depend on the nature of the problem, the closeness of the relationship and whether someone else is available to assist. The Trust will support employees' needs for time off in these circumstances by having discretion to grant time off with pay. Reasonable time off will not normally be more than three days and in most cases, will be less than a day. However, each set of circumstances will be considered on its merits.

For clarity, the right is not for time off for the ongoing care of dependants, but for responding to an emergency whilst making longer-term arrangements.

4.4 Employees will be granted up to three days' paid leave for dependants in an academic year. Any requests in excess of this entitlement will be unpaid.

- 4.5 If an employee knows well in advance that a problem might arise or they wish to take time off to care for a dependant themselves, rather than make alternative arrangements, this policy will not apply. They should make other arrangements to deal with such situations.
- 4.6 Employees will only be entitled to time off under this policy if, as soon as is reasonably practicable, they tell the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO):
- the reason for their absence; and
 - how long they expect to be away from work.
- 4.7 If an employee fails to notify us as required by paragraph 3.2, they may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.
- 4.8 Where it is possible to do so in advance or when the employee returns to work after taking time off under this policy, The Trust might ask the employee to provide evidence for their reasons for taking the time off. Suspected abuse of this policy will be dealt with as a disciplinary issue under our Disciplinary Procedure.

5. Bereavement and compassionate leave

5.1 Up to three days' paid bereavement leave may be granted to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral.

A close relative is defined as a spouse/partner, (step) child, parent, sibling, grandparent, grandchild, parent-in-law, brother- or sister-in-law.

5.2 Further paid or unpaid bereavement leave up to a maximum of ten days may be granted at the discretion of the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO).

5.3 Up to three days' unpaid bereavement leave may be granted at the discretion of the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO) following the death a relative (i.e. relatives not covered under paragraph 5.1) or a close friend.

5.4 Up to three days' paid compassionate leave may be granted to help employees where they need to deal with necessary arrangements for or assist a close relative who is seriously or critically ill. This does not apply in the case of domestic emergencies or where normal caring arrangements have been disrupted.

- 5.5 The Trust recognises that it may not always be possible to request bereavement or compassionate leave in advance. However, where it is possible, employees should make a request to the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO) giving the reason for the request and the number of days leave that are required.
- 5.6 Where it is not possible to request leave in advance, employees should contact the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO)) as soon as possible to tell them the reason for the absence and the number of days leave that are required.

6. Medical leave

- 6.1 **Medical appointments**
For guidance, please refer to paragraph 7.1 of the Sickness Absence Management policy and procedure.
- 6.2 **Blood donation and medical screening**
Reasonable paid time off for blood donors and for the purpose of cancer screening will be granted, where it has not been possible to attend outside normal working hours.
- 6.3 **Fertility treatment**
The Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO) will consider requests for time off for fertility treatment sympathetically. After one year's continuous service with the Trust, a maximum of five days' paid leave (which may be taken as half or full days) will be granted in an academic year. If an employee requires time off in excess of the five days, school holidays should be used. Alternatively, unpaid leave may be requested.

A member of staff requesting time off for fertility treatment may be required to produce documentation confirming details of appointments. Treatment may include obtaining medical advice, tests, operations or courses of treatment.

- 6.4 **Elective surgery**
Where surgery is considered to be elective and not medically necessary, there is no entitlement to paid time off. This includes cosmetic surgery, which is concerned with the enhancement of appearances through surgical and medical techniques and procedures. School holidays should be used in these situations.

For cosmetic surgery that relates to a medical condition and is supported by a medical certificate, the Sickness Absence Management policy and procedure applies.

7. Domestic or personal development leave

7.1 Moving house

After one year's continuous service with the Trust, a maximum of one day's paid special leave for moving house will be granted each academic year.

7.2 Interviews

The Trust accepts that employees have limited control over when an interview will take place and therefore may grant up to three days' paid special leave (to be taken in half or full days) in an academic year.

7.3 Urgent domestic business

This is to allow an employee to deal with domestic emergencies such as flooding, burglary etc. Up to one day's paid special leave may be granted (to be taken in half days or days).

7.4 Exam leave

Employees studying for a qualification approved and/or paid for by the Trust are permitted paid time off for each examination (half or one day).

8. Voluntary public service

8.1 Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties.

8.2 Public service duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School/Academy/Trust governor.

8.3 Normally, the Trust will grant a maximum of ten days paid time off for voluntary public service. This time will be paid at the normal rate of pay, less the amount claimable for loss of earnings, during periods of time off for public duties subject to the deduction of any monies received from the relevant authority in respect of the duties performed, which employee must declare.

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

- whether the activity is reasonable in relation to the member of staff's employment;
- how much time off is reasonably required for the duty in question;
- how much time off the employee has already taken for the public duty in question;
- how their absence will affect Trust.

8.5 Employees should request leave for voluntary public service from the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO) as far in advance as possible.

9. Jury service or attending court as a witness

9.1 Employees should tell the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO) as soon as they are summoned for jury service and provide a copy of the summons.

9.2 Depending on the demands of the Trust, the employee may be asked to apply to be excluded from or have the jury service deferred.

9.3 Whilst there is no obligation to pay employees while they are absent on jury service, staff called for jury service are granted indefinite special leave with full pay less the amount claimable from the courts for loss of earnings.

9.4 Staff called as witnesses to attend a court or Tribunal, which is not related to their work, will need to discuss time off required with the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO). Full pay will normally be given for that purpose with pay less the amount claimable for loss of earnings.

9.5 A loss of earnings form must be obtained from the court and passed to HR for completion prior to attending jury or witness service. A receipt for the loss of earnings allowance received from the court must be obtained and passed to HR who will deduct the equivalent amount from pay.

9.6 Attendance for private prosecutions and civil proceedings, e.g. divorce, will not normally qualify for paid time off.

10. Volunteer reserve forces duties

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

- 10.2 Staff in the Voluntary Reserve Forces may be granted up to five days' paid leave in order to attend mandatory training. However, employees should, wherever possible, endeavour to accommodate their training commitments during school holidays or weekends.
- 10.3 Whilst the Trust will do everything possible to meet an employee's request for leave, it may not always be possible for operational reasons. If the Trust receives notice that an employee has been called-up, there may be occasions when the Trust needs to apply to an adjudication officer for the notice to be deferred or revoked, if the employee's absence would cause serious harm to the Trust (which could not be prevented by the grant of financial assistance).
- 10.4 Once an employee's military service has ended, the employee may submit a written application for reinstatement to their employment. This should be made by the third Monday following the end of their military service, and the employee should notify the Trust of the date on which they will be available to restart work.
- 10.5 If it is not reasonable and practicable to reinstate the employee into their former employment, the Trust will offer them the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

11. Religious festivals

- 11.1 The Trust recognises that many non-Christian religious holidays will fall on working days. As such the Trust will be as supportive as possible towards its employees who observe religions other than Christianity and acknowledge that they may request time off work on particular dates to observe their respective religious holidays. The Trust will be sympathetic to granting up to one day's paid leave for this purpose depending on the impact on the operational requirements of the Trust, particularly where large numbers of staff may request the same day.
- 11.2 If necessary, unpaid leave or holiday may be granted in addition taking into account the operational requirements of the Trust
- 11.3 Any member of staff who wishes to take the above leave should make a request to the Head of Academy (or the CEO for Heads of Academy and the Central Team or the Chair of the Trust Board for the CEO) at the start of each academic year of any dates that they may need to request time off for. Where this is not possible, employees should provide this information as soon as they are able to and no later than ten working days before the date of the requested leave.

12. Unauthorised absence

- 11.1 Following written notification being sent to the employee, salary will be deducted accordingly for the period of unauthorised absence.

11.2 Unauthorised leave of absence may lead to disciplinary proceedings being invoked in line with the Disciplinary procedure.

13. Review of this policy

13.1 This policy is reviewed at least every three years by the Trust. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1 – SPECIAL LEAVE REQUEST FORM DURING TERM TIME

Name	Start date/time	Finish date/time
<p>Please state reason for request:</p>		
<p>If applicable, how will the time be made up?</p>		

NB: Please return completed form to HR.

Employee Signature: _____ **Date:** _____

Authorised by: _____ **Date:** _____

(As per paragraph 2.2)

ACTION/ RECORD (HR and Cover Administrator, where applicable)

Completed by:	
Date:	