

LOVE, COURAGE & RESPECT
Learning and Achieving Through Love, Courage and Respect

BRIGHSTONE C.E.

PRIMARY SCHOOL



SPECIAL LEAVE POLICY

Date Issued	Prepared By	Approved By	Review
February 2021	E Sharp	FGB	March 2023

Signed: _____
Chair of Governors Mrs J Craig

Isle of Wight Council Special Leave Policy – V4.6 Updated March 2020
Policy adopted for use by the Governing Body of Brighstone CE Primary

1. Document Information	
2. Contents	1
3. Introduction	2
4. Time Off for Dependents	3
5. Compassionate Leave	3
6. Bereavement leave following death of a child (under 18)	4
7. Public Duties	5 & 6
• 7.1 Jury Service	
• 7.2 Magistrate / Judicial or Tribunal Duties	
• 7.3 School Governor	
• 7.4 Service as a Witness	
• 7.5 Other Public Duties	
• 7.6 Community Emergency Services	
8. Study/Exam Leave	7
9. Routine Medical Treatment	7
10. Other Special Paid Leave	7
11. Management of Special Leave	8
12. Related Documents	9

3. Introduction

In law, employees have a right to reasonable unpaid time off work to deal with an emergency involving a dependent or to carry out certain public duties. However, the Council recognises the benefits of helping employees at times of urgent and unforeseen needs to take time away from work or to conduct certain public duties that are of benefit to our community and is committed to the provision of, paid leave and where deemed necessary, unpaid leave in addition to normal annual leave entitlement or flexitime arrangements in place.

This policy sets out the circumstances upon which employees may take reasonable time off following discussion with and authorisation by their line manager. This provision is not an automatic entitlement and will be dependent upon individual circumstances and having taken into account the needs of the service. The principle of special leave in the context of this policy will be to:

- Provide emergency care for a dependent or make arrangements for the care of a dependent in the event of an emergency
- To deal with other personal emergencies or unexpected events that necessitates an urgent response
- To take compassionate leave.
- For conducting approved public duties

In authorising special leave managers should consider and where appropriate consult their Head of Service/Director:

- All the circumstances surrounding the request
- The need to ensure that services are minimally disrupted
- Consistency and fairness of application to all employees

Employees must notify their line manager as soon as is reasonably practical of the circumstances giving rise to a need to make a request for special leave, including an indication of the period of time it is anticipated they need to be away from the workplace. Managers with employees should consider all available options and the individual circumstances. It may be appropriate to consider a combination of annual leave and unpaid leave should the situation require the employee to be away for a protracted period of time and the use of flexible working arrangements may also be appropriate.

Abuse of this policy may be treated as a disciplinary matter. Complaints arising from the application of this policy should be raised through the grievance procedure.

Employees and Managers should also be aware of any additional employment.

4. Time Off for Dependents

In addition to parental leave reasonable time off, up to a maximum of five days paid leave (pro-rata if part-time) in any 12 month period, will be allowed to enable emergency care for dependents (or other close family member who reasonably relies on the employee to make arrangements for the provision of care) to deal with an unexpected event involving a dependent, for example:

- Care required for an ill dependent or accompanying them during an urgent medical appointment
- Arranging longer term care as a result of illness or injury or as a result of breakdown in care arrangements
- An accident or illness suffered by a dependent which requires emergency medical treatment

It is not intended that special leave should cover illness which is of a minor nature and should not be granted to cover routine doctor or hospital appointments or planned hospital admissions that are known in advance.

It is also worth noting that special leave should not be taken as consecutive days. The provision for time off for a dependent should be used in situations (described above) to allow employees to take time to arrange further commitments. An example of this would be to take one day off (as a reaction to the above situation) and should further time be needed this should be arranged via annual leave, time in lieu or unpaid as agreed by your manager.

In deciding whether or not to grant special leave, managers will need to consider the nature of the illness or emergency and whether the employee is the sole carer. In some circumstances, it may be appropriate for the employee to work at home but this will depend on the nature and degree of the illness or emergency and whether there is suitable work.

5. Compassionate Leave

Employees may be faced with difficult personal circumstances involving the serious illness or death of a dependent or other immediate family member. Individual circumstances, the nature of relationships and the required observances of different religions or faith may vary. Therefore each request for compassionate leave should be assessed on a case-by-case basis and take into account:

- The relationship between the individual/s and the employee.
- The nature and extent of any illness.
- Whether the employee is involved in making funeral arrangements.
- Whether there may be a requirement to travel or attend a funeral.

Line managers have the discretion to grant up to five days (pro-rata if part time) paid compassionate leave in any calendar 12 month period to care for a dependent that is seriously ill or following the bereavement of a close family member which would normally include a parent, sibling, child (over 18), spouse or partner or spouse/partner's children. In

exceptional circumstances where an additional death or serious illness occurs of a close family member within the 12 month period. In exceptional circumstances where an additional death or serious illness occurs of a close family member within the 12 month period, it is at the manager's discretion to grant additional compassionate leave if necessary.

6. Bereavement leave following death of a child (under 18)

Due to changes in legislation, effective from 6 April 2020 - Parents who lose a child will be entitled to two weeks' paid bereavement leave, provided that the child is under the age of 18 or if they have a baby who is stillborn from 24 weeks of pregnancy. The right applies to the child's parent(s), which includes an adoptive parent, prospective adopter, legal guardians, intended parent under a surrogacy arrangement, a parent "in fact" (someone looking after the child in that person's own home for the last four weeks, i.e. grandparents who have sole caring responsibility for the child), or that person's partners, but not a paid carer. We will look at each case on its merits and it will only be if the person has full care of the child, i.e. grandparents that babysit occasionally do not qualify, nor do childminders.

- This is for any working parent no matter how long they have worked for the Council. Parents employed for six months or longer will be paid two weeks full pay for their bereavement period. This is unpaid for employees with less than 26 weeks' service.
- One or two weeks' full pay is available, starting on any day of the week.
- Bereaved parents will be able to take this leave in either a single block of two weeks or as separate blocks of one week during the first 56 weeks after their child's death. This can start on any day of the week.
- During the first seven weeks, the employee need only give notice of intention to take leave before they are due to start work on the first day of leave.
- From weeks 8 to 56, leave requires at least one weeks' notice.
- Leave can be cancelled or rearranged with the same degree of notice as above.
- This does not affect a manager being able to exercise discretion in exceptional circumstances after seeking HR advice and extending this period if necessary and appropriate.

7. Public Duties

Under current employment law, employees have the right to reasonable unpaid time off work to carry out certain public duties. The council will make available the following periods of paid time off work to undertake the following public duties:

7.1 Jury Service

Employees who are summonsed for jury service will be granted paid leave, less the loss of earnings allowance paid by the court for the duration of the jury service. A copy of the written notification (Jury Service summons) must be provided to the manager prior to leave being confirmed and the employee should submit a claim to the court for loss of earnings.

Employees will continue to be paid whilst on jury service at the normal rate of pay, subject to the deduction of any monies that can be claimed from the court in respect of loss of earnings, irrespective of whether the employee actually makes the claim to which they are entitled.

7.2 Magistrate/Judicial or Tribunal Duties

Up to five days (pro-rata if part-time) paid leave in any calendar 12 month period may be granted to employees to enable them to carry out duties as a magistrate, tribunal member or other judicial role. Further periods of required absence may be taken as annual leave or unpaid leave. For the avoidance of doubt the limit of 5 paid days leave is irrespective of how many roles an individual may hold within this category.

7.3 School Governor

Up to five days (pro-rata if part-time) paid leave in any calendar 12 month period may be granted to employees to enable them to carry out such duties and only where they fall within working hours.

7.4 Service as a Witness

7.4.1 If an employee is required to attend court as a witness arising from their employment and/or on behalf of the Council, this is treated as a normal working day. This should not be classed as special or any other type of leave.

7.4.2 If an employee is called as a witness in other court proceedings a maximum of one day's special leave may be granted at the discretion of their line manager on the understanding that any loss of earnings received will be paid back to the Council.

Managers should also be aware of the Council's Domestic Abuse Policy

7.5 Other Public Duties

7.5.1 Elections

Leave of absence with pay will be granted for those who are appointed to assist at any election or referenda held within the area of the Isle of Wight Council, and for which the Chief Executive by virtue of their appointment is responsible for the conduct thereof. These may include, but are not limited to Parliamentary, European, Local Council and Police & Crime Commissioner elections and any form of referenda. Employees should seek confirmation from their line manager, on each occasion, that their service area is able to release them for the required time before accepting the appointment, and whilst service continuity is paramount, managers are normally expected to accommodate such requests.

7.5.2 Volunteer Reserve Forces (such as Royal Naval Reserve, Royal Marines Reserve, Territorial Army, Royal Auxiliary Air Force)

Volunteer members of the non-regular forces shall be granted up to five days (pro-rata if part-time) paid leave in any calendar 12 month period to attend annual camp or for recruits to complete required unit training. Such leave should normally be granted automatically unless the needs of the service would be jeopardised. Volunteer reserve units should be in a position to offer alternative dates and it is expected that employees try to arrange for any training to be undertaken during off duty times. Any further periods of required absence may be taken as annual leave or unpaid leave by agreement with your manager.

7.6 Community Emergency Services

7.6.1 On-call Fire Fighters

The council recognises the value and importance of the duties carried out by the Fire and Rescue Service and therefore, allows staff to undertake an on-call firefighter contract whilst also being in other council employment. Unfortunately, due to the on call requirements to respond if alerted, service delivery can be heavily disrupted, leaving a significant burden on remaining staff to provide cover and in some circumstances present significant health and safety and/or safeguarding risks to service users or other staff. Any requests to undertake an on-call firefighter role in addition to your substantive role must therefore have prior approval from your manager prior to initiating an application for such a role.

7.6.2 Special Constables

The Council has demonstrated its support to the Hampshire Constabulary Employer Support Scheme and is signed up to Level 1 of that scheme in which we assist in the promotion of special constable recruitment. However, this does mean that any employee who enlists as a special constable will only be granted paid leave in times of significant civil unrest has been identified or where a risk to public safety has been identified. In such circumstances up to a maximum of five days (pre-rata if part-time) in any calendar 12 month period will be granted and release is will only be granted with the approval of the line manager. Where extended leave is requested, this will be subject to agreement being reached with Hampshire Constabulary on funding to support continued release and the impact on service delivery has been assessed.

7.6.3 Coastguard Rescue

Due to the nature of on call duty requirements to respond if alerted means that service delivery can be heavily disrupted and leaves a significant burden on remaining staff to provide cover. Whilst the Council does recognise and value the importance of these duties, it considers it not possible to support the release of staff during normal working hours. Managers should be kept fully informed of any periods of duty that may overlap with the commencement of required working hours/shifts, and any such time is to be taken as annual leave or flexitime.

Employees who are considering taking on such public duties should advise their line manager before entering into such commitments to identify any other potential implications for their work.

8. Study/Exam Leave

Employees who are sponsored by the School / Council to undertake courses leading to examination based qualifications may be granted the time necessary for attendance at the examination. In addition the line manager has the discretion to allow a further half day's leave per examination for the purpose of final revision. Under the Right to Request Time Off for Training Regulations there may be circumstances where permission is granted for other types of training that leads to a qualification or is training that will help you develop skills relevant to your job. Where such requests are submitted, consideration will be given to reasonable paid or unpaid time off as part of that request. For further information on the regulations and what constitutes relevant training, please contact the workforce development team.

9. Routine Medical Treatment

Routine optician, dental, GP appointments or other preventative medical treatment, are expected wherever possible to be undertaken out of normal working hours and will be treated as flexi-leave/ time in lieu unless they are antenatal appointments. If this is not possible, paid leave may be granted in exceptional circumstances and subject to these being arranged as close as possible to the start or end of the working day.

Pre-arranged hospital appointments may be treated as special leave for one off appointments. However, if you have regular hospital appointments that you are aware of in advance, they should be booked as sick leave, flexi leave or annual leave. If you have a hospital appointment for day surgery, this should be pre-booked as sick leave. Managers will be expected to consider reasonable adjustments when regular hospital appointments may mean that the Sickness Absence Policy initiation points are breached. Such reasonable adjustments could include an increase to the number of absences allowed for a set period of time for that employee during the period of treatment.

Time away from work to give blood will be treated as authorised absence and is not to be counted as special leave.

10. Other Special Paid Leave

There may be occasions when special leave is appropriate but may not be covered by the special leave arrangements set out in this policy. Managers have the discretion to authorise special leave, either paid or unpaid up to a maximum of five days (pro-rata if part-time) in total within any calendar 12 month period, for exceptional circumstances. Such circumstances may include for example paid leave for domestic emergencies not involving dependants, such as fire, flood or theft at home; the observance of recognised religious festivals that are not covered by public holidays; appointments or attendance at counselling that assist employees in resolving difficult personal life experiences such as domestic violence. Managers are advised to contact their HR Advisor before granting any such request to ensure that there is consistency in its application.

If an employee approaches a manager in relation to attending an interview for an internal or external job it is at the manager's discretion considering the needs of the service whether they allow the sufficient time off as special leave in these circumstances.

Recognised Trade Union representatives may be entitled to time off in accordance with the relevant Facilities Agreement with their union.

11. Management of Special Leave

If an employee has taken Special Leave throughout the calendar 12 month period and at the end of the year has some outstanding annual leave remaining they will not be entitled to carry over their annual leave, until the amount of special leave taken is removed from the amount of annual leave left.

If an employee leaves during the calendar 12 month period, any payment for outstanding leave will first be adjusted to deduct any time taken as special leave from the outstanding leave. In the event that this leaves the employee's leave entitlement in deficit, however, the employee will not be required to pay back the entitlement.

Managers will be expected to keep a record of special leave agreed and forward the dates agreed, and type of special leave to the HR provider who will record this directly into their record for monitoring purposes.

In circumstances where a member of staff disagrees or disputes a refusal to grant special leave, they may utilise the School's Grievance Procedure.