

LOVE, COURAGE & RESPECT

Learning and Achieving Through Love, Courage and Respect

Brighstone CE Aided Primary School



School Special Leave Policy

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V3	Jan 26	Update with school and further HR team comments.
V4	Mar 26	Additional section added at 5.2 to clarify legislation in relation to carer's leave.
V5	Apr 26	Update to sections 5.3 and 5.4 to reflect new legislation in relation to parental bereavement leave entitlements.

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1. INTRODUCTION

This policy outlines the circumstances and procedures for employees to request time off, specifically for urgent / important personal, domestic, or public duties that sit outside of any other policy.

Whilst there is no automatic right to take special leave during term-time, our school offers this to our employees because we recognise that a work life balance benefits both our school and our employees who will, occasionally, experience difficult and unforeseen circumstances and events that may require their absence from work. It can also be used to enable our employees to conduct certain public duties that are of benefit to our community as a whole.

2. APPROACH

Except in the case of a serious emergency, no employee may be absent from work for any reason, other than their own illness, without permission and agreement being granted prior to the absence occurring. In all cases, permission must be sought and granted in accordance with this policy. Section 6 of this policy sets out the application process.

Special leave is a discretionary benefit, not a guaranteed entitlement, and each request will be considered based on the individual circumstances and taking into account the needs of the school at that particular time.

We recognise that some staff absence may be personally sensitive, and we are committed to ensuring personal privacy is protected and that only staff that need to know for operational or administrative purposes will be informed of any relevant details linked to the reason for the absence.

3. PAID / UNPAID LEAVE

The school may grant a maximum of five days paid special leave in any calendar 12-month period (1 September to 31 August), with the exception of time off following the death of a child (see section 5.3) and time off for the volunteer reserve forces (see section 5.7.6). **Please note, employees are not granted 5 days per different reason of absence, but in total over the calendar 12-month period.**

This entitlement will be pro-rata for part-time staff (e.g. if the staff member works 3 days per week, their entitlement would be 3 days paid special leave in any calendar 12-month period).

The Governors have given the Headteacher delegated authority to approve unpaid special leave requests, in addition to this, for up to 5 days. For anything greater, the Headteacher will discuss each case with the Chair of Governors and will act on the recommendation made.

Even if special leave is granted and is unpaid, the school will closely monitor the amount of absence that any individual staff member is taking under this policy, to ensure that there isn't a wellbeing issue, and that the policy isn't being abused.

4. STAFF WHO ARE ALSO PARENTS

We recognise that within our school we often have a high number of staff who are parents of school-aged children, and some whose children attend our school. This can cause tensions in relation to special leave requests if, for example, all parents request to take special leave at the same time (e.g. around Christmas time to attend their child's assembly).

In these circumstances, we ask that consideration be given to taking TOIL, flexi leave, or annual in the first instance, where your post allows, prior to requesting special leave. If you do request special leave in these instances, whilst we will consider all requests, we can only approve them if our school can be appropriately covered and there is no detrimental impact to the needs of our pupils.

We would ask for your understanding in relation to such requests and to be aware that we will not always be able to grant them.

5. REASONS FOR SPECIAL LEAVE

The following are the most common reasons where a request for special leave may be appropriate. It is not an exhaustive list.

5.1. Emergency Time Off for Dependants

In addition to parental leave, which is set out in the Parental Leave Policy, reasonable time off will be allowed to enable emergency care for dependants (or another close family member who reasonably relies on you to make arrangements for the provision of care) to deal with an unexpected event involving a dependant. "Reasonable time off" is up to a maximum of five days (pro rata if part-time) paid leave in any calendar 12-month period,

Examples of emergency time off for dependants include:

- Short-term care required for an ill dependant 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 existing care arrangements.
- An accident or illness suffered by a dependant which requires emergency medical treatment.

It is not intended that special leave should cover the illness of a dependant which is of a minor nature, nor should it be used to cover routine doctor or hospital appointments or planned hospital admissions for dependants that are known in advance.

It is also worth noting that special leave should not be taken as multiple, consecutive days. The provision for paid time off for a dependent should be used in situations (such as those described above) to allow staff to take time to make the arrangements for further ongoing care. An example of this would be to take one day off (as a reaction to the above situation) and should further time off be needed, this would be either unpaid, time off in lieu, or flexitime, depending on what option is possible for the individual

employee and their role in school. **Please note, the ability to take flexitime is solely dependent on the nature of your role within school and may not be possible.**

In deciding whether or not to grant special leave, the Headteacher will need to consider the nature of the illness or emergency and whether the employee is the sole carer.

If the employee has a role in school where home working is viable, it may be possible for them to work from home, but this will depend on the nature and degree of the illness or emergency and whether there is suitable work available at that time.

5.2. Carer's Leave

If you are a carer of a dependant with long-term needs, the Carer's Leave Act, grants you the right to one week of unpaid leave per year, regardless of length of service. The purpose of this leave is to enable you to provide, or arrange care for, any dependant, (not just family), who may be ill, disabled, or have age-related needs.

You are entitled to one week (based on your usual working pattern), over a 12-month period. This leave can be taken as single days, half days, or the full week.

We ask that you give your Line Manager at least three days' notice when requesting this leave and that you confirm the dates that are required. Such requests cannot be refused but may be postponed for up to a maximum of one month if the leave is likely to cause significant disruption to the business. If the leave is postponed, your Line Manager will need to give you specific reasons for this and agree on the new dates.

5.3. Compassionate Leave

You 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 will be assessed on a case-by-case basis and take into account:

- The relationship between you and the individual(s) in question.
- The nature and extent of any illness.
- Whether you are involved in making funeral arrangements.
- Whether there may be a requirement for you to travel to or attend a funeral.

The Headteacher has 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 dependant who is seriously ill or following the bereavement of a close family member. A "close family member" would normally include a parent, sibling, child (over 18), spouse or partner or the 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, it is at the Headteacher's discretion whether to grant additional compassionate leave where it is requested.

In addition to the scenarios described above, the school recognises that there may be times when unexpected and undefined significant life events occur. The Headteacher

has the discretion to grant compassionate leave (either paid or unpaid) for events which they believe should be considered as such. Note that the granting of compassionate leave in any one scenario will not set a precedence for future events.

5.4. Parental Bereavement Leave

Parental Bereavement Leave is time off following:

- the death of a child, if they die under the age of 18
- the death of a baby who only lives for a short time after birth – this can be at any stage of pregnancy
- a stillbirth after 24 weeks' pregnancy
- an abortion after 24 weeks – in very limited circumstances an abortion can take place after 24 weeks if the mother's life is at risk or the baby would be born with a severe disability

This right applies to the:

- birth parent
- natural parent (the person who gave birth to the child who has since been adopted, but has a court order to allow them to continue having access to the child)
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

The school 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 school. 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 after their child's death, the employee can start their leave as soon as they give notice.
- From weeks 8 to 56 after their child's death, 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 Headteacher being able to exercise discretion in exceptional circumstances after seeking HR advice, and governors approval, and extending this period if necessary.

5.5. Routine Medical Treatment

Wherever possible you should arrange routine optician, dental, GP appointments or other preventative medical treatment outside of school hours, for example after school or during school holidays.

The school recognises that this is not always possible and so, in exceptional circumstances, it may be that paid time off will be granted however this is dependent on the appointment taking place as close as possible to the start or end of the working day. You may be asked to provide proof of your medical appointment to verify the day date and time.

A pre-arranged hospital appointment may be treated as special leave where it is a one-off appointment however, if you have regularly occurring hospital appointments, you should make every effort to ensure that appointments are made outside your contracted hours of work, for example after school or during school holidays.

Depending on the nature of your role within the school, it might be that you can book the time off as flexi leave or for an arrangement to be agreed to enable you to take the time off in lieu.

Where your role does not enable this flexibility however, the time off to attend regular hospital appointments should be pre-booked as sick leave and will be dealt with under the school's Attendance Management Policy. It may be that these appointments lead to the initiation points being reached and, in these situations, the Headteacher will consider whether reasonable adjustments can be implemented, for example, allowing an increase to the number of absences allowed within a set period of time while you are having that period of treatment.

If you have a hospital appointment for day surgery, this should be pre-booked as sick leave.

Any absence due to you being unwell will be managed under the school's Attendance Management Policy, i.e. it will not be treated as special leave. You should refer to the school's Attendance Management Policy for advice in relation to sickness and the monitoring of sickness absence.

Time away from work to donate blood will be treated as authorised absence and will not be counted as special leave (this does not include blood tests).

5.6. Study / Exam Leave

If the school has sponsored you to undertake a course which leads to an examination-based qualification, you will be granted paid time off work to attend the examination. In addition, the Headteacher has the discretion to allow a further half-day's leave per examination for the purpose of final revision.

Where a request for study or exam leave is submitted, the Headteacher will consider whether the time off can be granted, and whether it will be paid or unpaid leave.

5.7. Trade Union duties

If you are a representative of a recognised trade union, you will be entitled to reasonable time off work to carry out your union responsibilities.

Time off work to get training and to undertake your duties as a trade union representative will be paid; time off to attend union meetings or go to meetings with union officials will likely be unpaid. The actual arrangements for time off will be set out in the facilities agreement between your union and the school.

5.8. Public Duties

You have the legal right to request reasonable unpaid time off work to carry out certain public duties. A full list of those duties is available here: [Time off work for public duties - GOV.UK](#)

In addition to this statutory right to unpaid leave, the school will allow paid time off work for you to undertake a number of public duties as described below.

If you are considering taking on any public duties, you should first discuss this with the Headteacher before entering into any such commitments – this will enable the school to identify if there are any other potential implications for your work.

You should also comply with the school's Additional Employment Policy.

5.8.1. Jury Service

If you are summonsed for jury service, you will be granted paid leave. A copy of the written notification (Jury Service summons) must be provided to the Headteacher prior to leave being authorised.

While you are taking part in jury service you will at your normal rate of pay, less the deduction of any monies that can be claimed from the court in respect of loss of earnings. This deduction from your pay will be made whether you claim the loss of earnings allowance or not.

5.8.2. Magistrate / Judicial or Tribunal Duties

You are entitled to up to five days (pro-rata if you work part-time) paid leave in any calendar 12-month period (September to August) to enable you to carry out duties as a magistrate, tribunal member or other judicial role.

Any periods of absence in excess of the annual entitlement may be taken as unpaid leave. For the avoidance of doubt the limit of five paid days of leave (pro-rata if part-time) is irrespective of the number of roles you hold within this category.

5.8.3. School Governor

You are entitled to up to five days (pro-rata if you work part-time) paid leave in any calendar 12-month period (September to August) to enable you to carry out such duties, but only where the requirements of your school governor role fall within your normal working hours.

5.8.4. Service as a Witness

If you are required to attend court as a witness arising from your employment and/or on behalf of the school, this will be treated as a normal working day i.e. it should not be classed as special or any other type of leave.

If you are called as a witness in other court proceedings, you may be granted a maximum of one day's special leave at the discretion of the Headteacher on the understanding that any loss of earnings allowance received from the court will be paid to the school.

5.8.5. Elections

You will be entitled to paid leave if you have been 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, Local Council and Police & Crime Commissioner elections and any form of referenda.

You should seek confirmation from the Headteacher on each occasion that you are required to be released before accepting the appointment however the Headteacher would normally expect to be able to accommodate such requests.

5.8.6. Volunteer Reserve Forces

Volunteer Reserve Forces refer to the Royal Naval Reserve, Royal Marines Reserve, Territorial Army, Royal Auxiliary Air Force and Cadet Adult Instructors.

The volunteer reserves serve under a fixed term reserve contract and provide highly trained military personnel integrated with their regular service counterparts on operations both at home and overseas.

If you are a volunteer member of the non-regular forces or participating as an instructor for the adult cadets, you will be entitled to up to 10 days (pro-rata if you work part-time) paid leave in any calendar 12-month period (September to August) to attend annual camp, to complete required unit training (for new recruits) and for instructing the adult cadets.

Such leave will normally be granted automatically by the Headteacher unless the needs of the school would be jeopardised. When making your request, you should be in a position to offer alternative dates, and it is expected that you will try to arrange for any training/instructing to be undertaken during times outside of your normal working hours.

These training units are not liable for military service therefore any further periods of absence (in excess of the 10 days described above) may be taken as unpaid leave, dependent on your role, and by agreement with the Headteacher.

5.8.7. On-call Fire Fighters

The school recognises the value and importance of the duties carried out by the Fire and Rescue Service and where possible it will allow you to undertake an on-call firefighter contract whilst also working at the school.

Unfortunately, the on-call requirements to respond if alerted means that school life can be heavily disrupted, placing a significant burden on remaining staff to provide cover and in some circumstances, it presents significant health and safety and/or safeguarding risks to other staff or children.

For these reasons you must have sought and been granted approval from the Headteacher to undertake an on-call firefighter role before you start the process of applying for the fire fighter role.

Given the varying nature of roles across the school, each request will be treated on its merits, taking into the account the effect of an on-call firefighter role against the requirements of the school. Because of the risk posed if the post holder were to leave to respond to an alert, there are some roles that are automatically excluded from being able to take on the on-call firefighter role and the Headteacher has the right to decline such requests.

5.9. Other

There may be other occasions, not mentioned in this policy, when special leave may be appropriate. Examples of such circumstances include:

- 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 you in resolving difficult personal life experiences such as domestic violence.

Please note by way of examples, special leave should not be granted for moving house or graduation ceremonies.

The Headteacher has the discretion to authorise special leave, either paid or unpaid, for up to a maximum of five days (pro-rata if part-time) in total within any calendar 12-month period (September to August) where exceptional circumstances apply.

The Headteacher will assess each request and make a decision, on a case-by-case basis. Please note that the granting of special leave in any one scenario will not set a precedent for future events.

6. APPLICATION PROCESS

Other than in an emergency situation, where you must telephone the Headteacher and the school at the earliest opportunity to advise of the situation, an application for special leave must be made as soon as is reasonably practicable, but no later than one full week in advance of the proposed absence.

The application from (**Appendix A**) should be completed in as much detail as possible and submitted to the Headteacher for consideration. Requests made by the Headteacher will be submitted to the Chair of the Governing Body.

When considering requests for special leave, the Headteacher / Chair of the Governing Body will:

- Consider all of the circumstances surrounding the request.
- Consider the need to ensure that the school is minimally disrupted and that the best interests of the pupils are taken into account.
- Consider the impact on other staff and on the pupils.
- Consider the cost of arranging additional cover.
- Consider all available options, such as a combination of paid and unpaid leave if an extended period of time is needed, flexible working if the role permits, time off in lieu if the role permits, etc.
- Ensure that consistency and fairness is applied to all requests.

If it is necessary to refuse your application, the reasons will be explained and confirmed to you in writing, using the application form.

If you believe that this policy has not been followed correctly, you should raise this through the school's Grievance Procedure.

7. SPECIAL LEAVE REQUEST MONITORING

7.1. Monitoring

Each instance of special leave absence will be looked at on a case-by-case basis and the individual circumstances will be taken into consideration when monitoring.

The school will monitor the number of requests made for special leave over a calendar 12-month period running from 1 September to 31 August. This is important from a budgetary / management point of view, but also from a staff wellbeing point of view, as the monitoring may indicate an underlying cause for concern (see below).

7.2. Causes for Concern

If the monitoring highlights that you have submitted more than four special leave requests within any 12-month calendar period (1 September to 31 August), a welfare meeting will be held to explore this with you as it may be that additional wellbeing support or intervention is required. This meeting will be held with the School Business Manager (SBM) or the Headteacher so they can better understand your circumstances.

Where it transpires that the requests for special leave are unrelated and that there have simply been a number of unfortunate circumstances that are outside of your control, the SBM / Headteacher will work with you to reduce the number of requests going forward. This may include considering whether any additional support can be put in place to reduce the number of requests for special leave.

7.3. Abuse of this Policy

If there does not appear to be any underlying issue that is contributing to a high number of special leave requests, or where the Headteacher has spoken with you about your personal situation and you have shared that you are unwilling to take pro-active steps to address / resolve it, then it may be deemed that further action is appropriate.

If, for example, you continue to request special leave, the Headteacher may conclude that you are wilfully failing to follow a reasonable management request (that you attend work regularly and / or take steps to address the personal issue causing the absence).

In these circumstances the school will treat the matter as a conduct issue and the school's Disciplinary Policy will be used to explore the issue further.

APPENDIX A – Special Leave Application Form

Special Leave Application Form			
PERSONAL INFORMATION			
Name:		Job title:	
Hours per week:		Weeks per year:	
Class / Area:		Date of Application:	
DATES / TIMES REQUESTED			
Start date:		End date:	
Full / part day:		Full / part day:	
If part day: from _____ to _____		If part day: from _____ to _____	
Or other preferred method: Time off in lieu / flexible working / working from home			
REASON – please select ✓			
Time Off for Dependents		Compassionate Leave	
Bereavement (following the death of a child under 18)		Jury Service	
Magistrate/Judicial or Tribunal Duties		School Governor	
Service as a Witness		Elections	
Volunteer Reserve Forces		On-call Fire Fighters	
Special Constables		Coastguard Rescue	
Study / Exam Leave		Sporting Events – Island Games	
Routine Medical Treatment (confirmation of appointment attached)		Other, please specify:	

ADDITIONAL INFORMATION

Please add any additional information to clarify the reason for the absence and to assist with the consideration of the request:

COVER ARRANGEMENTS

Please detail how your work / role will be covered in your absence: (for example, please indicate if you have arranged cover, swapped duties, etc.)

DECLARATION

I confirm that I have read and understood the Special Leave Policy and am making this request in accordance with it.

Signed:

Date:

To be completed by the Headteacher / Chair of Governors (in the case of a request from the Headteacher)

REVIEWER INFORMATION

Name:	Job title:
Date of Review:	Request Approved: Yes / No
Pay: Paid / Unpaid	Alternative Method: Time off in lieu / flexible working / working from home

If a request is refused, please detail the reason(s) why:

DECLARATION

I confirm that I have read and understood the Special Leave Policy and have reviewed this request in accordance with it.

Signed:	Date:
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