



## **Xavier Catholic Education Trust**

### **Special Leave Policy**

**Approved and adopted by the Xavier Catholic Education Trust  
in April 2022 and to be reviewed in April 2024.**

**Committee Responsible: HR**

## 1. Statement of Intent

The Xavier Catholic Education Trust recognises the importance of consistency, openness and equality in responding to requests from staff for special leave of absence for family and personal reasons or in order to fulfil professional duties other than those immediately related to employment.

This policy recognises:

- employees' statutory entitlement to take time off ( paid or unpaid) in certain circumstances;
- national and local agreements recognised by the school;
- best practice, which seeks to maintain good working relationships between staff and management;
- the need to balance requests against the operational needs of the school.

It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence to be reasonably and fairly handled whilst recognising that the operational needs of the school are a priority and there may be times when a request for leave will be refused.

There may be occasions when circumstances arise which are not specifically identified in this policy. The decision regarding granting leave of absence in such cases falls to the discretion of the Headteacher or Chair of Governors, as appropriate.

## 2. Time Off For Dependants

The Employment Rights Act 1996 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants.

What constitutes a reasonable amount of time off is not specified by the legislation and will depend upon individual circumstances, such as:

- the nature of the incident;
- the closeness and level of dependency in the relationship and
- the availability of anyone else to help with the situation.

Whilst there is no legal restriction on the number of occasions upon which an employee can exercise this right, the amount of time off taken is nevertheless subject to a consideration of what is reasonable in each circumstance. In most cases, a few hours or a day will suffice to deal with the immediate emergency.

For the purposes of this right, a dependant is an employee's spouse, civil partner, child or parent or another person who lives in the same house as the employee (other than as a tenant, boarder, lodger or employee). In addition, it includes anyone who reasonably relies on the employee for assistance or to make arrangements for care when that person falls ill or is injured or assaulted, and anyone who relies on the employee to arrange the provision of care.

Members of staff seeking to exercise their right to time off are requested to notify their line manager of their absence and its likely duration as soon as possible. Wherever possible, notification should be given before the absence is taken.

Circumstances when an employee may take time off are:

- If a dependant falls ill, or has been injured or assaulted;
- When a dependant is having a baby;
- To make longer term care arrangements for a dependant who is ill or injured (see also Section 4, 'Care of Sick Children');
- To deal with the death of a dependant;
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant;

- To deal with an incident involving the employee’s child during school hours (see also Section 4, ‘Care of Sick Children’).

**Parental Bereavement (Pay and Leave) Act**

From April 2020, primary carers (including adopters, foster parents, guardians and close relatives or family friends who have taken responsibility for the child’s care in the absence of parents) are entitled to time off work following the death of a child (under 18 or a still birth after 24 weeks of pregnancy). The Governing Body recognises that this is a particularly difficult time and therefore offers 2 weeks fully paid leave of absence for employees in this situation. Leave can either be taken in one block or in two separate blocks of one week. It can be taken within a 56 week window from the child’s death, to allow time for moments such as anniversaries, and notice requirements will be flexible so leave can be taken without prior notice. Regardless of any entitlement to statutory parental bereavement pay, employees eligible for parental bereavement leave will be provided with their normal pay during the period of statutory bereavement leave as a supportive measure. Statutory parental bereavement pay will remain an underlying entitlement, where eligible. Headteachers’ can use their discretion to give a further 2 weeks leave (at full pay) if necessary. Any additional time off after this will need to be approved by the Xavier Trust CEO.

**3. Unpaid Parental Leave**

Entitlement to unpaid parental leave is separate from, and should therefore not be confused with, maternity leave, paternity leave, adoption leave or shared parental leave (please see Xavier website for these policies).

To be eligible to take parental leave, an employee:

- Must have a minimum of one year’s continuous service by the date that the parental leave is to be taken;
- Must have (or expect to have) parental responsibility for the child in question.

It is used in exceptional cases in schools and employees have to give 21 days’ notice of their intention to take the leave which can only be for the purpose of caring for the child. It must be taken in blocks of 1 week with a maximum of 4 weeks per child per year, a total of 18 weeks per child before their 18<sup>th</sup> birthday.

**4. Compassionate Leave**

There is no specific statutory right to claim time off work, whether paid or unpaid, on compassionate grounds (except in those circumstances covered by ‘Time Off for Dependents’, Section 2). The Headteacher, or Chair of Governors in the case of the Headteacher’s own circumstances, may, at their discretion, grant special leave of absence (with or without pay) depending on the circumstances of the case.

In considering requests, the Headteacher will take account of the reason for the request, the likely duration of absence, the employee’s length of service, the impact of refusing a request and what cover arrangements can be made for the absence. The following will be used as a guideline, but is not intended to represent a minimum or maximum contractual entitlement:

Sudden, serious illness of near relative (parents, siblings, grandparents) spouse or partner	Up to 5 days’ paid leave
Death of a near relative (parents, siblings or grandparents), spouse or partner	Up to 3 days’ paid leave

Funeral of a near relative (parents, siblings or grandparents), spouse or partner	1 day of paid leave
Funeral of other relatives, friends or colleagues	1 day of unpaid leave

## 5. Care of Sick Children

The Xavier Catholic Education Trust recognises that it can be difficult for working parents and guardians to respond to the need to care for their own children when they become unwell during working hours. Members of staff have a statutory right to unpaid time off to make arrangements for the care of a dependant. It is important, however, to understand that this entitlement is only to take time off to make arrangements for the care of a child, not to provide that care personally. It should not, therefore, normally be necessary to take more than a part or whole day off work on each occasion. There is no contractual or statutory entitlement to take time off to provide direct care for a sick child and it is therefore important that working parents give advance consideration to what arrangements they can put in place to care for sick children at short notice. In exceptional circumstances, where other care arrangements cannot be made, the Headteacher may agree that a member of staff can take unpaid leave to care for a sick child.

## 6. Leave to Attend Significant Events

The Xavier Catholic Education Trust recognises that, from time to time, staff may have the opportunity to attend a significant social event during term time. Examples might include:

- Graduation ceremony for a son or daughter
- Wedding of a close family member

Support staff who are employed full year have an annual leave entitlement and may therefore request paid annual leave for such events. Teachers and term time only staff are not able to take annual leave during term time. In such cases, the following policy will apply: the Headteacher will determine depending on the circumstances the maximum number of days allowed for each occasion, although the expectation is that it will be one day paid leave for a graduation and one day unpaid leave for a wedding.

All staff must seek the express permission of the Headteacher for leave in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Headteacher will need to refuse a request for leave.

## 7. Religious Festivals

Members of staff who wish to attend significant religious festivals which fall during school term time may request to take unpaid leave to attend the festival. Requests for such unpaid leave must be made to the Headteacher as early as possible in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Headteacher will need to refuse a request.

## 8. Job Interviews

All members of staff may take a reasonable amount of paid leave to attend selection interviews for jobs. Requests to take leave to attend an interview must be made to the Headteacher in advance of the event. In considering whether the request can be granted, the Headteacher will take into account:

- The operational needs of the school;
- The amount of time off requested;
- The number of paid days (or part days) of leave already granted for interviews in the previous 12 months.

## **9. Other Leave**

### **9.1 Examination Duties**

Teaching staff undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained within Appendix 2 of the Conditions of Service for School Teachers in England and Wales ('Burgundy Book').

### **9.2 Jury Service**

Employees may request leave to undertake jury service and should inform the school as soon as possible after receiving the summons. The school will make up the difference between the loss of earnings allowance which may be claimed from the court and the employee's normal pay. The employee is responsible for claiming the allowance and an equivalent amount will be deducted from the employee's salary.

### **9.3 Moving House**

Members of staff are encouraged, wherever possible, to move house during one of the school closure periods which occur throughout the year. Where this proves impossible, the Headteacher has the discretion to grant members of staff one day of paid leave in order to move house. In considering such requests, the Headteacher may ask for supporting evidence to demonstrate why the move must take place during term time.

### **9.4 Medical and Dental Appointments**

Employees are encouraged to make medical and dental appointments outside normal working hours and, with routine appointments, this should usually be possible. Where it is not possible to make an appointment out of hours, or where the appointment is urgent, paid time off to attend appointments will be granted at the discretion of the line manager or Headteacher, from whom permission must be sought in advance. Evidence of appointments may be requested.

The same provisions will apply where an employee is seeking time off work to accompany a dependant to a medical or dental appointment, although it is expected that in such circumstances time off will usually be unpaid or must be made up at another time.

Where an ongoing series of medical appointments has been requested, the Headteacher will have discretion to determine whether they will be paid or unpaid.

### **9.5 Antenatal Appointments/ Adoption Appointments**

All pregnant employees have the right to take paid time off to attend antenatal appointments.

Except in respect of the initial appointment, evidence of appointments must be provided if requested by the Headteacher or employee's line manager.

Prospective fathers / partners of pregnant women may take unpaid time off to accompany her to up to two antenatal appointments, subject to a maximum limit of 6.5 hours per appointment. Such employees may be required to complete a form declaring their eligibility.

Similar rights are available to the main (or sole) adopter and his/her co-adopter (if applicable) in respect of adoption appointments prior to the placement. Eligible employees will be provided with further information about their entitlements.

### **9.6 Trade Union / Professional Association Duties and Activities**

Staff undertaking duties or attending activities in relation to their membership or role within a recognised trade union will be granted time off in accordance with any locally agreed facilities agreement in place at the

time of the request, taking into account the provisions of the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

### **9.7 Other Leave Not Covered**

If an employee wishes to request time off for a form of leave not covered in this policy, he/she should approach his/her line manager in the first instance explaining the circumstances, including when, and for how long, he/she wishes to take leave. In considering whether or not to grant the request and whether it should be paid or unpaid, the line manager and/or Headteacher will bear in mind any statutory provision, local or national agreement recognised by the Governing Body in relation to the particular leave request, as well as custom and practice, if any, relating to similar circumstances. Ultimately, unless there are particular provisions to which the school is required to adhere, the leave will be granted at the discretion of the Headteacher or Chair of Governors, bearing in mind the operational needs of the school.

### **10. Abuse of Time Off**

Abuse of time off which has been requested in accordance with this policy, for example by requesting leave for false reasons, will be taken very seriously by the Governing Body and will be dealt with in accordance with the school's disciplinary procedures.

### **12. Data Protection**

When an employee makes a request to his/her line manager for time off under this Special Leave Policy, personal data collected will be processed in accordance with the XCET'S data protection policy. In particular, only the personal information required to deal with the employee's request for time off should be recorded and this information kept only for as long as necessary to deal with the request.

### **13. Status of Policy and Review**

The content and operation of this policy is reviewed on a regular basis by the Xavier Catholic Education Trust: HR Committee. The policy is discretionary and does not confer any contractual rights.