



## Special (Paid and Unpaid) Leave Policy

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“Learning together, to be the best we can be”

# 1. Special Leave Without Pay

## 1.1. Purposes for which Special Leave without pay may be granted:

- to undertake a qualification or research leading to a qualification which will be of benefit to the employee and the Trust either in the job currently employed or in future career development;
- to undertake a job/project which will be of benefit to the employee and the Trust either in the job currently employed or in future career development. (This may take the form of a secondment to an external organisation or other school within the Trust. During such a period of secondment the individual would be employed by the organisation/school to whom seconded);
- to deal with emergencies in respect of a dependent;
- parental leave;
- carer's leave;
- reservists called or volunteering for military service;
- to attend medical appointments for treatment, assessment and rehabilitation where this is necessary as a result of disability when the allocation of paid leave for this reason has been exhausted.

1.2. It is expected that employees will provide evidence of the circumstances of the request.

1.3. Employees wishing to take extended leave of absence for family/social reasons (e.g. extended visits to relatives overseas) should use the Annual Leave arrangements where applicable to their contract of employment, or ensure that they use the school holidays wherever possible.

1.4. Consideration will only be given in exceptional circumstances to the use of Special Leave. The Headteacher should be consulted in such cases.

# 2. Criteria to be Considered for Approval of Special Leave Without Pay

2.1. When considering decisions, the line manager will consider the following:

- is there any additional cost to the school or Trust?

- is there no possibility for the reason behind the request for special leave to be scheduled outside school hours or in the school holidays?
- is the purpose of the special leave to the mutual benefit of the Trust and the employee, or for compassionate purposes?
- will there be any need for re-training on all, or any aspect of the job, on the return of the employee, if so, to what degree?
- what is the feasibility/practicality of the post being filled on a temporary basis?
- what is the employment record of the individual? E.g. length of service, sickness record, disciplinary record, other paid/unpaid leave taken etc.?
- is any medical condition covered by the definition of a disability given within the Equality Act 2010?

2.2. Applications should be made with as much notice as possible, and under normal circumstances must be made at least 5 working days before the requested leave date(s). Only in exceptional circumstances will a request without due notice be considered.

2.3. In the case of an employee who is a Reservist and is called or volunteers for military service the above criteria are not applicable.

### 3. Length of Special Leave Without Pay to be Granted

3.1. The Trust's policy provides for the approving of unpaid leave for a period of up to 12 months. There is a separate policy for unpaid leave for Career Breaks as this has different conditions attached.

3.2. The length approved will obviously be linked to the purpose of leave requested, but Headteachers should ensure that the period is appropriate. Consideration should also be given to the degree of detriment to the job or school if approval for the special leave is given.

3.3. Employees making an application for unpaid leave of absence should utilise any paid leave entitlement first (where applicable) in that year, for that purpose.

## 4. Employment Conditions Attached to the Granting of Special Leave Without Pay

4.1. Employees granted special leave in excess of 4 weeks should be issued with a letter from the Headteacher, a copy placed on the personal file, which indicates clearly:-

- that approval has been given;
- the agreed commencement and termination dates of special leave;
- the post which the employee will return to (the existing post or other appropriate) including the grade and the Spinal Column Point;
- the position in respect of the payment of allowances;
- pension implications;
- implications for continuous service;
- the consequences of failure to return on the due date.

## 5. Grade and Salary

5.1. Normally progression through the incremental points of the grade will be deferred for a period equivalent to the period of unpaid leave. This may not apply to secondments.

5.2. The payment of any allowances e.g. First Aid, Standby etc. will not be paid for the duration of the special leave.

## 6. Occupational Sick Pay

6.1. There will be no entitlement to any occupational sick pay for the duration of the special leave, or for any sickness absence commencing on the due date of return. Statutory sick pay may be payable subject to meeting normal requirements.

## 7. Annual Leave

- 7.1. The paid annual leave entitlement (where applicable) will be 'pro rata' according to the proportion of paid employment completed during that year(s).

## 8. Public and Extra Statutory Holidays

- 8.1. Payment will not be made in respect of such days falling within the period of authorised unpaid leave.

## 9. Continuous Service

- 9.1. The Contract of Employment will continue to subsist and the period of authorised absence will count for the purposes of calculating continuity of employment for any statutory rights or conditions of service entitlements, with the exception of the application of the 'Conditions of Assistance' for training purposes

## 10. Superannuation

- 10.1. The period of unpaid absence will be classed as "non-pensionable" service and no employee or employer pension contributions will be made.
- 10.2. Employees can buy extra pension to cover the period by undertaking to pay an Additional Pension Contribution (APC) over a period of time or by paying a one-off lump sum.
- 10.3. For further information please contact South Yorkshire Pensions Authority or the Teachers' Pension Scheme.

## 11. Failure to Return

- 11.1. Failure to return on the date specified without satisfactory explanation, will be classed as unauthorised absence and as such will be dealt with in accordance with the Trust's disciplinary procedure.

- 11.2. In the case of 'disability leave', this should be dealt with in accordance with the procedure for 'Reasonable Adjustments'.

## 12. Parental Leave

- 12.1. All employees with at least one year's continuous service (including service with a previous employer) are entitled to 18 weeks unpaid leave, (pro rata for part-time employees). This leave entitlement is subject to a maximum of four weeks per annum and ceases on the fifth birthday of the child.
- 12.2. In the case of a parent of a child with a disability, the 18 week entitlement may be taken at any time up to the child's eighteenth birthday.
- 12.3. It is expected that leave will be discussed and agreed with Headteachers/line managers having regard to the needs of the school/Trust.

## 13. Carer's Leave

- 13.1 Under the Carer's Leave Act 2023 (Commencement) Regulations 2023, employees who are unpaid carers for a relative or friend are entitled to up to 5 days unpaid leave each year.

## 14. Time Off for Dependants

- 14.1. All employees have the right to take a reasonable period of unpaid time off work to deal with emergencies involving a dependant. The right is intended to cover unforeseen circumstances. If employees know in advance they are going to need time off arrangements, it is expected that annual leave will be taken.
- 14.2. For further information please refer to the policy guide on Parental Leave.

## 15. Time Off to attend ante-natal appointments with expectant woman

- 15.1. An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the expectant woman to up to 2 of her ante-natal appointments.
- 15.2. "Partner" includes the spouse or civil partner of the expectant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.
- 15.3. Employees accompanying the expectant woman to her ante-natal appointments are entitled to unpaid leave for one or two appointments. The time off is capped at three hours for each appointment (unless in exceptional circumstances).
- 15.4. An employer is not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant woman.
- 15.5. However, an employer is entitled to ask the employee for a declaration stating the date and time of the appointment that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant woman.
- 15.6. Alternatively, employees may of course choose to use their annual leave (where applicable) to attend an ante-natal appointment.

## 16. Special Leave with Pay

- 16.1. The issue can be categorised in two ways. Firstly, within the conditions of service for certain types of paid leave there are areas of discretion for the Trust to extend paid time off.

- 16.2. Secondly, there is the issue of granting additional paid leave for reasons other than those specified in the national and local conditions of service and statutory provisions.

## 17. National Conditions of Service

- 17.1. There is provision within the national conditions for paid time off for maternity support leave, medical screening and jury service.
- 17.2. Non Regular Forces –the national agreement provides that officers are paid two weeks leave for the summer camp. It is also recommended that time for additional training up to 16 days per annum which coincides with normal working days should be treated as paid time off. Normally the additional training time falls on a Saturday and Sunday so the impact should be limited. There is an onus on the officer to arrange training at times which coincide with off duty time and to provide alternative dates. Where it is not possible to achieve mutually acceptable dates for the officer's absence for additional training time to be paid, it must be considered by the Headteacher in consultation with the Trust's HR Team.

## 18. Local Conditions of Service

- 18.1. There is provision within the local conditions of service for paid time off for:-
- Maternity Support Leave
  - Anti-natal Care
  - Medical (Cancer) Screening
  - Bereavement Leave
  - Adoptive Parents Leave
  - Disability Leave
  - Local Election candidates
  - Parliamentary Election candidates
  - International sport
  - Time off for Trade Union Representatives
  - Time off for Public Duties



## 19. Disability Leave

- 19.1. Disability leave may be granted as a 'reasonable adjustment' to employees who have a disability as defined by the Equality Act 2010. Employees may take time off, with pay, as appropriate, (up to a maximum of 7 occasions per year – the maximum time for an occasion being 1 normal working day for the employee) for assessment, treatment and rehabilitation, this includes hospital check-up, medical appointments etc. Individual requests will be considered in consultation with the Trust HR team.

## 20. Applications for Paid Leave

- 20.1. Requests for paid leave from an individual must be in writing with reasons and submitted to the Headteacher/line manager. Applications should be made with as much notice as possible, and under normal circumstances must be made at least 5 working days before the requested leave date(s). Only in exceptional circumstances will a request without due notice be considered. In considering the request, the Headteacher/line manager should have regard to: the reason for the request; the personal details (length of service, sickness record etc.); organisational implications (cost of granting leave, cover costs, implications for service delivery).
- 20.2. Applications for Disability leave should be dealt with in accordance with the procedure for reasonable adjustments.
- 20.3. The Headteacher has delegated powers to grant leave in consultation with the Trust HR team. If agreement cannot be reached then a report is submitted by the Headteacher incorporating the views of Human Resources to the Chief Executive Officer.

## 21. Approval of Paid Leave

- 21.1. Where paid leave is approved, the conditions attached to the approval should be specified in a letter to the employee which clearly indicates the following:-
- that approval has been given;
  - the agreed commencement and termination dates of the leave;
  - the other provisions of the conditions of service which will apply e.g. incremental progression; allowances; employee pension contributions;

- any special conditions attaching to the leave e.g. emergency contact requirements standby availability;
- what will happen if an employee fails to return on a specific date, i.e. that without a satisfactory explanation, it will be deemed to be unauthorised absence and dealt with under the Trust's disciplinary procedure.