



# Special Leave Policy

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## Update Information

This model policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation, statutory guidance, or best practice (where appropriate).

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## 1. Scope

This policy applies to all staff employed in schools and academies.

For academies, all reference to Headteacher should, where appropriate be replaced with Principal/Head of School, all reference to the Governing Body should where appropriate be replaced with the Academy Trust, and all reference to school should where appropriate be replaced with Academy.

The recognised trade unions have been consulted.

Except in cases of serious urgency, no member of staff may be absent from work for any reason other than their own illness, unless it is with previous permission.

Headteachers have discretion to grant special leave which may be paid or unpaid. This is not an entitlement and there is no automatic right to special leave.

Special leave provisions operate with a high level of trust. Abuse of this trust will be dealt with under the school's Disciplinary Procedure.

Entitlements to statutory leave such as maternity, adoption, paternity and parental leave are covered under separate procedures, as are entitlements to time off for jury service and other public duties.

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## 2. Policy/Purpose

The policy recognises that a work life balance benefits both the organisation and employees, and supports the principle that employees work best when they are able to achieve an appropriate balance between work and other aspects of their lives.

It also recognises that employees will experience difficult circumstances and unforeseen events, for which they will need to take time off work. The school will seek to facilitate time off wherever possible. This policy defines the circumstances where paid time off will be given in addition to the options of annual leave and unpaid leave.

This policy outlines the circumstances for which an employee may request time off from work under the Special Leave Policy in any one academic year and the period of time off which can be allowed with pay. For part-time staff, this period will be pro-rata to the number of hours worked. Any request for time off beyond the specified period will be at the discretion of the Headteacher a) whether to grant the leave and b) whether it will be with or without pay.

Where an employee has an entitlement to take annual leave, there will be an expectation that the employee use their annual leave entitlement in some circumstances instead of requesting special leave.

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## 3. Definition of Close Relative/Dependant

For the purposes of this policy, a close relative is defined as spouse/partner, children (including stepchildren, adopted and current foster children), parents, siblings, grandparents or grandchildren, parent-in-law, or a person to whom the employee is next-of-kin or is nominated as such, or someone where there has been a guardian relationship.

The employee is the person who can demonstrate that they are a principal carer and is clearly the most appropriate person to provide support.

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## 4. Types of Special Leave

The following are circumstances for which special leave may be requested and granted with pay:

### 4.1 Bereavement Leave

The purpose of Bereavement Leave is to facilitate an employee making funeral arrangements and/or attending the funeral, in the event of the death of a close relative.

The maximum level of paid bereavement leave is 5 days.

If additional time away from work is needed, over and above the 5 day allocation, the school may wish to seek to allow time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

### 4.2 Emergency/Domestic Leave

The purpose of emergency/domestic leave is to facilitate an employee taking time off work in situations where an emergency or unforeseen situation has arisen within the employee's domestic circumstances. Employees are expected to plan for and use their annual leave, where appropriate, for known events such as school/childminder holidays or routine domestic appliance servicing. Where these arrangements break down unexpectedly, Emergency/Domestic Leave enables the employee to make immediate alternative arrangements. As an example this could be in the event of a childminder being suddenly being taken ill, a day care centre or school closing at short notice, an incident occurring at a child's school, or in the event of the employee suffering flood, fire or burglary.

The maximum level of paid emergency/domestic leave is 3 days per academic year.

If additional time away from work is needed, over and above the 3 day allocation, the school may wish to seek to allow time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

#### **4.3 Dependants' Leave**

The purpose of dependants' leave is to facilitate an employee taking time off where they have caring responsibilities and need time to deal with an emergency involving a dependant who has been suddenly taken ill.

There can be a number of reasons for an employee requesting dependants' leave which could include accompanying a young or vulnerable dependant to a significant emergency appointment or in-patient stay, or to look after a sick dependant where other arrangements cannot be made.

The maximum level of paid dependants' leave is 5 days per academic year regardless of the number of dependants.

If additional time away from work is needed, over and above the 5 day allocation, the school may wish to seek to allow time off using other means such as unpaid leave, or annual leave where the employee has an entitlement to take annual leave.

#### **4.4 Religious Festivals**

The school can allow an employee to take up to 3 days with pay each academic year for observance of Religious Festivals. Time off with pay should only be allowed where the religious festival is celebrated by the whole of the affected community on a national/international level.

Where an employee has an entitlement to take annual leave, they would be expected to use their annual leave for this purpose and would not be granted time off under this policy.

#### **4.5 Wedding of Close Relative**

The maximum level of paid leave is 1 day per academic year. Where an employee has an entitlement to take annual leave, they would be expected to use their annual leave for this purpose and would not be granted time off under this policy.

#### **4.6 Moving House**

The maximum level of paid leave is 1 day per academic year to allow an employee to move household effects to their new home. Where an employee has an entitlement to take annual leave, they would be expected to use their annual leave for this purpose and would not be granted time off under this policy.

#### **4.7 Attend Job Interviews**

Paid leave from 1 to 3 days per academic year may be given depending on interview arrangements and the distance involved in attending. This period may be extended in exceptional circumstances. Where an employee has an entitlement to take annual leave, they would be expected to use their annual leave for this purpose and would not be granted time off under this policy.

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### **5. Unauthorised Absence**

Where an employee is absent from work without permission without an acceptable explanation, pay will be deducted and action will be taken under the school's Disciplinary Procedure.

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## 6. Requesting Special Leave

Employees must make all requests for special leave in writing to the Headteacher, using the Special Leave Request Form at Appendix 2. Headteachers must similarly submit their own personal requests for special leave in the same way to the Chair of Governors.

Wherever possible, applications for special leave should be made before the leave is taken. In circumstances where this is not possible (for instance, in unforeseen or emergency situations) the employee should telephone their line manager as soon as possible to let them know why they are absent and how long they may be absent for. At this stage the line manager should make it clear that an application for special leave can be made but that it may not be granted. If it is not granted, unpaid leave or annual leave may be authorised instead. Applications not made prior to the leave being taken must be submitted immediately on return to work.

Special leave must be recorded on the employee's personnel file and appropriately recorded and notified on the appropriate return to your payroll provider.

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## 7. Local Government Pension Scheme Members – buying 'lost' pension

Any period of authorised unpaid leave of absence will not count for pension purposes. Members of the Local Government Pension Scheme can elect to pay Additional Pension Contributions (APCs) to buy back the 'lost' pension.

If the member makes their election to buy the 'lost' pension within 30 days of returning to work from the authorised unpaid leave, the cost of buying the 'lost' pension is shared between the member and the employer with the member paying 1/3rd of the total cost and the employer paying 2/3rds of the total cost. This is known as a Shared Cost Additional Pension Contract (SCAPC).

Where authorised unpaid leave has been approved, the Headteacher will inform the employee of the effect of the unpaid leave on their pension and their right to choose to buy 'lost' pension. The model letter at Appendix 5 can be used for this purpose.

The process of buying 'lost' pension is set out in the flowchart at Appendix 4.

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## **8. Appendix 1 - Dealing with Requests for Special Leave - Management Guidance**

This guidance is provided with the aim that it will assist headteachers and managers in making their decision when dealing with requests from their employees for special leave.

### **a) Bereavement Leave**

Requests to attend funerals should be considered sympathetically. It is recognised that individual circumstances are many and varied and there may need to be discussions with the employee in order to determine the full circumstances when responding to requests for time away from work under this policy.

Managers should seek to establish details such as the time and location of the funeral, the closeness of the relationship; and available alternatives, if bereavement leave is not appropriate.

### **b) Emergency/Domestic Leave**

Emergency/Domestic Leave is clearly intended to assist employees in dealing with unexpected problems which cannot be planned for in the normal way.

Circumstances for which Emergency/Domestic Leave is authorised are varied and whilst it is a difficult time for the employee, managers have a right to satisfy themselves that the application is appropriate.

Unexpected emergencies can be dealt with in a relatively short period of time but decisions as to how much time is reasonable may need to be made very quickly and depend on the circumstances of the emergency. For example, a house fire or a burglary may require immediate time off work to resolve essential matters/problems.

If, in the circumstances, the employee is unable to discuss the nature and extent of the problem when telephoning the manager to let them know that they will not be attending that day, further discussion must take place as soon as possible or immediately on return to work.

### **c) Dependants' Leave**

When considering requests for dependants' leave and the time given, managers should recognise the needs of service delivery, whilst at the same time recognising the employee's need to undertake their caring responsibilities.

In make these decisions, managers should consider:

- Is the person requiring care a 'dependant' as defined by the policy?
- Managers may have some awareness of the personal circumstances of their employees and may be able to make informed judgements without making further enquiries.
- Where it is not apparent what the nature of the dependant relationship is, it will be necessary to explore the situation sensitively with the employee to ascertain whether the request falls within the provisions for dependants' leave.

## 9. Appendix 2 - Special Leave Request Form

**Special Leave Request Form**

<i>Employee to Complete</i>	
Name:	
Job Title:	
Payroll Number:	
I wish to apply for:    PAID SPECIAL LEAVE <input type="checkbox"/> *UNPAID SPECIAL LEAVE <input type="checkbox"/>	
From (date):	To (date):
Please give reasons for request (please see guidelines attached)	
Employee's Signature:	Date:
<i>Line Manager to Complete</i>	
Authorised request for:	
Paid Special Leave for: _____ days	
*Unpaid Special Leave for: _____ days	
Line Manager's Signature:	Date:

A copy of this form should be retained on the employee's personal file.

**\*Where the employee is a member of the Local Government Pension Scheme please see Section 7 of the Special Leave Policy for further guidance in relation to the effect on pension and their choice to buy back 'lost' pension.**

**NB for Managers:**

Please remember to inform your payroll provider so that any appropriate adjustments can be made to the employee's pay, if necessary.

## 10. Appendix 3 - Completing the Special Leave Request Form – Guidance for Employees

In order that your request for special leave may be looked at sympathetically, it is important to provide details of the reason for the request. The following guidelines clarify the type of information that is required:

### Bereavement Leave

Please indicate:

- Your relationship to the deceased, i.e. husband, wife, partner, parent, child, brother, sister etc. (please refer to Section 3 Definition of Close Relative);
- The place where the funeral is to take place and if you need time off to travel there; and
- Any other relevant details, such as responsibility for making funeral arrangements.

### Dependants' Leave for illness of a child

Please indicate:

- The age of the child;
- The nature of the illness; and
- Any other relevant details.

### Dependants' Leave for illness of other close relatives

Please indicate:

- Your relationship to the person who is ill;
- The nature of the illness; and
- Any other relevant details, e.g. demonstrating that you are the principal carer and are clearly the most appropriate person to provide support.

### Emergency/Domestic Leave

Please indicate:

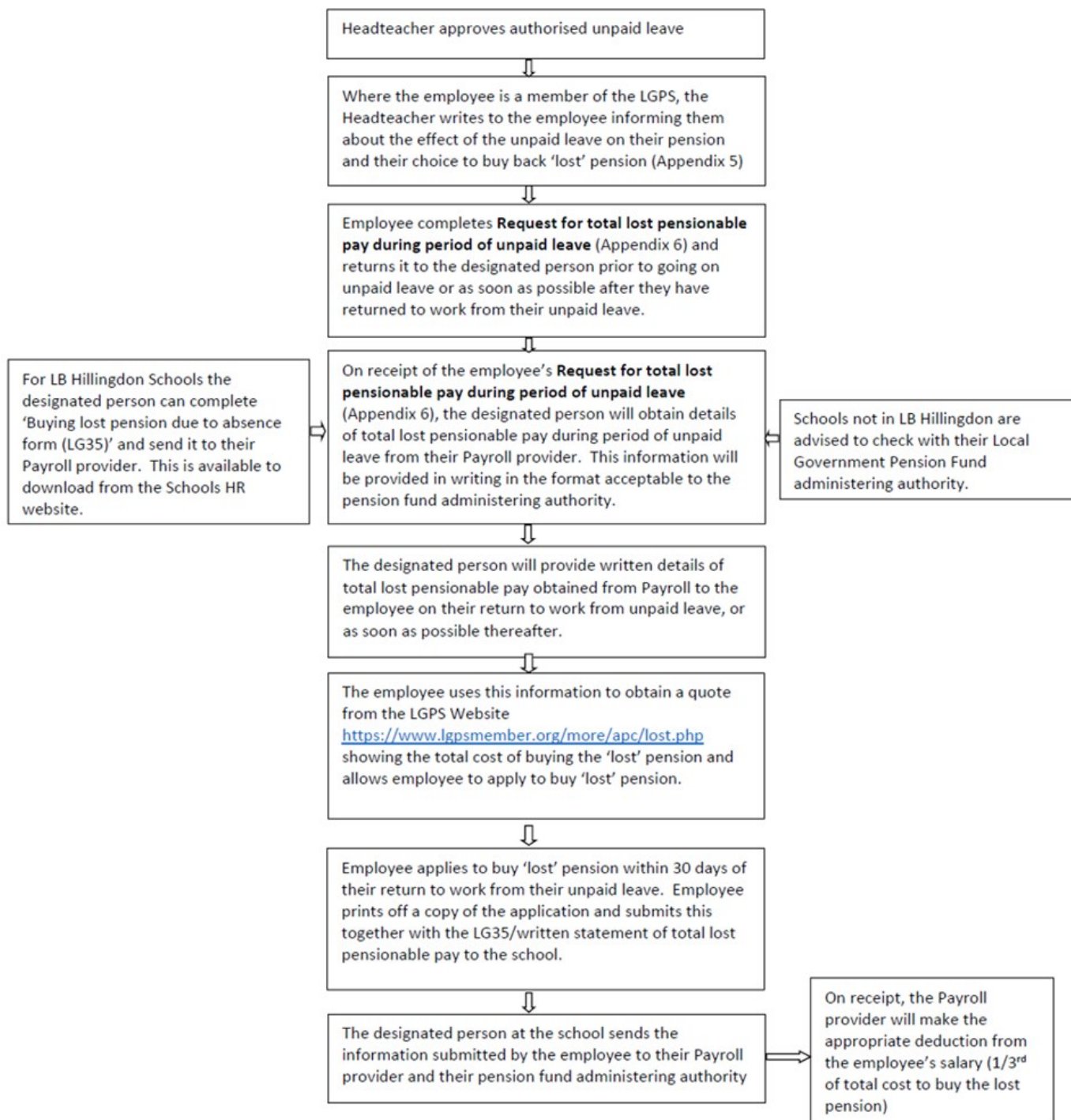
- State type of emergency e.g. burglary etc.
- If emergency is relating to the breakdown of care arrangements at the last minute, please give details of type of care arrangements and your relationship to the dependant
- Any other relevant details.

### Request for Special Leave to attend Job Interview

Please indicate:

- The format of the interview and the duration as given by the company;
  - The location and the extent of travelling involved; and
  - Any other relevant details.
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## 11. Appendix 4 - Process of buying 'lost' Pension





## 12. Appendix 5 - Model Letter: Local Government Pension Scheme Member – Buying 'lost' pension

Dear

### Authorised Unpaid Leave

#### Local Government Pension Scheme Member – Buying 'lost' pension

I refer to your request for leave under the school's Special Leave Policy for the period from *(date)* to *(date)*.

I have authorised the leave **without** pay and enclose a copy of the signed Special Leave Request Form for your information.

Any period of authorised **unpaid** leave of absence will not count for pension purposes. You can however elect to pay Additional Pension Contributions (APCs) to buy back the 'lost' pension. If you elect to buy the 'lost' pension within 30 days of returning to work from your period of unpaid leave, the school will pay 2/3rds of the total cost of buying the 'lost' pension and the remaining 1/3rd of the total cost of buying the 'lost' pension will be paid by you by way of a deduction from your salary.

If you are interested in buying the 'lost' pension please sign the attached **Request for total lost pensionable pay during period of unpaid leave** and return it to *(insert name of designated person)* prior to going on leave or as soon as possible following your return to work from your period of unpaid leave. The school will provide you with details of the total lost pensionable pay for the period of the unpaid leave on your return to work from your period of unpaid leave, or as soon as possible thereafter. This information will enable you to obtain a quote from the Local Government Pension Website <https://www.lgpsmember.org/more/apc/lost.php> showing the total cost of buying the 'lost' pension and allow you to apply to buy 'lost' pension should you choose to do so.

Your sincerely

Headteacher

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### 13. Appendix 6 - Request for total lost pensionable pay during period of unpaid leave

#### Request for total lost pensionable pay during period of unpaid leave

I have been granted authorised unpaid leave from *(date)* to *(date)*.

I am aware that this period will not count for pension purposes unless I make an election to pay Additional Pension Contributions to buy back the 'lost' pension.

I am aware that if I elect to buy the 'lost' pension within 30 days of returning to work from the period of the unpaid leave, 2/3rds of the total cost of buying the 'lost' pension will be paid by the school and I will be responsible for paying 1/3rd of the total cost of buying the 'lost' pension. My share of the payment will be deducted from my salary.

I am interested in buying the 'lost' pension and would like to request details of total lost pensionable pay for the period of unpaid leave so that I can obtain a quote for the total cost of buying 'lost' pension.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please return this request for information to *(insert name of designated person)*.

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