



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

# **SPECIAL LEAVE GUIDANCE FOR SCHOOLS**

## **NJC SUPPORT STAFF**

<b>School</b>	Ysgol Cybi
<b>Date policy approved and adopted by Governing Body</b>	21/5/24
<b>Review frequency</b>	Every 3 Years
<b>Next review date</b>	Summer Term 2027
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<b>Chair of Governors</b>	Colin Bell

**Human Resources, Transformation Service**

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## **1. INTRODUCTION**

The school recognises that many staff combine the demands of work requirements with domestic responsibilities. While each member of staff is responsible for ensuring that they have appropriate care mechanisms in place to meet their personal responsibilities, the school endeavours to assist in circumstances where these arrangements have unavoidably broken down, or where additional pressures, outside of the norm, arise and for which time off work may be required.

All requests from staff will be dealt with on a strictly confidential basis and no undue pressure will be exerted on staff to divulge details which might breach their personal privacy. However, in order to give fair and reasonable consideration to requests for time off, Headteachers and in some cases the Governing Body will need to be made aware of sufficient relevant information to enable them to reach a decision.

Circumstances not covered by this guidance should be referred to the Governing Body for consideration however school staff are contracted to work while the school is open to pupils i.e. during set school term times. It is expected that employees will endeavour to make personal arrangements during periods of school closure where reasonably possible

Time off for Sickness, Maternity, Paternity, Parental, Adoption, Ante Natal Care, Trade Union Duties, Elective Procedures and Public Duties are covered by separate policies and provisions.

The provisions for time off outlined in this document are not subject to the Primary Schools Sickness Absence Insurance Scheme therefore any supply costs are borne from the schools budget.

Applications for leave of absence should be made to the Headteacher as soon as possible by completing the appropriate form. Headteachers/Governing Bodies should endeavour to be fair, consistent and sympathetic in their application of this guidance.

The specified periods of leave granted in this document will be applied pro rata where appropriate and on a per annum basis unless otherwise specified.

## **2. GUIDANCE RATIONALE**

The purpose of this guidance is to allow for a compassionate response to situations under section 3 of the guidance where:

- (a) there is a sudden and immediate need for a member of staff to provide primary care to a family member or dependent;
- (b) the employee needs time off for planned and foreseen caring commitments.
- (c) a family member or dependent of the employee suffers ill health; or
- (d) the employee suffers bereavement as a result of the death of a family member or dependent.

Examples of this include:

- a family member or dependent of the employee falling ill, being involved in an accident, or being assaulted, including instances where the victim is distressed rather than being physically injured;
- the need to make longer term care arrangements for a family member or dependent who is ill or injured;
- the need to offer support or to attend medical appointments with those for whom the employee is primary carer
- to deal with the death of a family member or dependent, e.g. to make funeral arrangements or to attend a funeral
- to deal with an unexpected disruption, or breakdown, in care arrangements for a family member or dependent, e.g. when a child-minder or nurse fails to turn up
- to deal with an incident involving the employee's child during school hours e.g. if the child has been involved in a fight, has an accident, or is being suspended from school.

The provisions of this guidance are applicable to all contracted staff, irrespective of length of service (unless otherwise specified), hours of work, or grade and no employee will suffer any detriment as a result of making an application for time off under these provisions.

### **3. TIME OFF FOR BEREAVEMENT, DOMESTIC EMERGENCIES, CARER LEAVE & MEDICAL APPOINTMENTS**

<b>3.1 Bereavement - with pay</b>
As the circumstances, nature of relationships and required observances of different religions can vary in relation to bereavement, it is difficult to be definitive in terms of the actual leave which will be granted in every situation. The following provides guidance on paid compassionate leave entitlement which will typically be granted following bereavement.
(i) In the event of the death of a child (under 18 years old or stillbirth after 24 weeks' pregnancy) the member of staff is entitled to Parental Bereavement Leave and the school will grant up to 4 weeks' paid leave – see section 3.2 below.
(ii) Up to 5 days for death of spouse, civil partner, partner, son/daughter over 18 years old, parent/stepparent or other immediate family member resident with the employee or where the employee is solely responsible for the funeral arrangements.
(iii) Up to 3 days for death of brother, sister, guardian or parent in law.
(iv) Up to 1 day for death of grandparent, aunt, uncle, brother or sister in law, niece or nephew.

The above includes the day of the funeral. However, where the member of staff has to travel a long distance to attend/arrange the funeral, i.e. more than 100 miles, then, depending on circumstances, 1 further day's paid leave may be granted.

### **3.2 Parental Bereavement Leave**

The Parental Bereavement (Leave and Pay) Act 2018 provides for at least two weeks' leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. Under the Act, employees with 26 weeks' continuous service will be entitled to paid leave – other employees will be entitled to unpaid leave. **However, the Authority will give paid leave to all eligible employees, regardless of length of service.**

In order to qualify for parental bereavement leave, employees must:

- Be the child's natural or adoptive parents: or
- Have parental responsibility for the child's upbringing and who, for a continuous period of at least four weeks before the child's death, have lived with the child in the employee's home and had day to day responsibility for the child's care (provided they are not paid for that role – foster payments excepted), such as: -
  - Individuals who are fostering to adopt;
  - Legal guardians; and
  - Most foster parents (short-term arrangements, such as emergency foster care will not be covered), or
- Be the "intended" parent of a child who has passed away, ie, a parent using a surrogate; or
- Be a parent's partner, living in an enduring family relationship with the child who has passed away and their parent.

If an eligible employee as above suffers the death of more than one child, the employee will be entitled to leave in respect of each child.

3.2.1 The schools policy is that eligible employees will be entitled to 4 normal working weeks' paid parental bereavement leave, such leave to be taken up to 56 weeks from the date of the death of the child.

3.2.2 Parental Bereavement Leave will operate in units of one week.

3.2.3 Bereaved parents can take the leave as either a single block of four weeks or can take the allocated weeks' leave separately as long as the four weeks are taken before 56 weeks after the date of the death of the child.

3.2.4 Employees already taking maternity/adoption/paternity/shared parental leave can add their parental bereavement leave on to the end of this leave.

3.2.5 **Leave taken immediately or within 56 days of the death** – bereaved parents will be able to take the leave immediately, without having to give a period of notice.

They will have to let their Headteacher know the reason for their absence from work and that they wish to take parental bereavement leave. However, informal notification, such as a phone call or e-mail will be sufficient.

**3.2.6 Leave taken after the initial 56 day period** – the school will ask their employee to provide one week's notice of leave.

**3.2.7** It is the schools policy that employees will receive normal pay during Parental Bereavement Leave.

**3.2.8** If both parents are employed by the school on the day on which the child dies then both parents will be eligible for parental bereavement leave as noted above.

### **3.3 Serious illness of close relative – with pay**

To provide reasonable support to members of staff at times of distress due to unforeseen serious illness/hospitalisation of a family member or dependent.

The school is aware that a **serious illness** of a close relative can be a distressing time for a member of staff and will therefore aim to support members of staff affected by allowing reasonable time off work to deal with such situations as noted below.

(i) Up to five days for serious illness of spouse, civil partner, partner, child or parent/stepparent, brother or sister or person for whom there is a direct responsibility to provide care.

A doctor's certificate may be requested.

The above entitlement is the maximum granted within a period of one year.

### **3.4 Personal Medical Appointments – with pay**

(i) Employees will be granted time to attend hospital, clinics etc, for personal treatment or consultation with a specialist. Appointment card to be produced if requested.

(ii) Where an appointment is made to visit the doctor or dentist employees will be expected to attend these in their own time outside working hours. Appointments in school time should only be made in emergency situations in order to minimise disruption to the school day. In the event of an emergency or where appointments are not available out of school hours leave will be with pay on presentation of an appointment card. However, there will be an expectation that such appointments are made early in the morning or later in the afternoon.

### 3.5 Domestic Emergencies – without pay

(i) Domestic emergency leave can cover any incident that occurs in the home where advance notice may not always be possible, eg, damage to home or contents as a result of breakdown, flood, fire, burglary, etc. The leave is **unpaid** and it is expected that such leave would range from an hour or two to one or two days at the most.

### 3.6 Carer Leave – Short & Long Term

This provision is for those who are required to provide **primary care** to a family member or dependant, including an adopter or main foster carer.

#### Definition of Primary Carer

A person who administers personal care to a family member or dependent who lives in the same household or who relies on that carer to make care arrangements for them.

(i) **Short Term Carer Leave** allows for **up to 5 working days' paid leave** (maximum granted within a period of one year), which can be extended by up to a further period of 5 working days of unpaid leave, to deal with planned and foreseen caring commitments and also to deal **with urgent unforeseen care needs for a dependent family member for whom the employee is providing primary care. This may also include situations when pre-arranged care arrangements break down unexpectedly.**

Part time employees will have a pro rata entitlement.

(Please note that this entitlement is not on a per child/dependent basis).

The employee will need to give notice to their manager when taking this leave for planned commitments – the notice period should be twice the length and one day of the leave requested.

(ii) **Long Term Carer Leave** allows for the possibility of altering contractual work patterns, either on a temporary or permanent basis, to enable the employee's family life and work requirements to be balanced for an appropriate period.

### 3.7 Fostering Arrangements

(i) Five days paid leave to allow for the process of becoming a foster carer (on condition of a successful initial assessment by Social Services). **Leave will be granted for activities specific to fostering e.g. settling in a new child, training courses, support groups etc**

(Please note that this entitlement is not on a per child/per annum basis but the total amount of leave available for becoming a foster carer).

(ii) Section 3.6 above will apply for leave to deal with urgent unforeseen care needs of children that have been placed with an employee.

## **4. SPECIAL LEAVE**

### **4.1 Job Interviews – with pay**

Reasonable time off will be granted to any employee to attend interviews for posts when employees have received notice of redundancy.

### **4.2 Examinations/Study Leave – with pay**

Leave of absence to attend classes, related work placements, pre-course interviews, examinations (one days leave for each day on which an employee sits an examination) and for study leave (one day for each examination of two hours or longer) will be granted for employees undertaking professional qualifications that are supported by the school and relevant to the employees current post or career.

Examination and study leave will not be granted for open book examinations.

Leave will authorised, on receipt of a letter for the college confirming details of the examination i.e. date, time, duration, location.

### **4.3 Graduation Ceremonies – without pay**

Leave to attend degree ceremonies are non-mandatory and no time off with pay is given. At the discretion of the Governing Body 1 day's leave may be granted without pay to attend ceremony if the degree is awarded to the employee.

### **4.4 Sports Participation**

Three days paid leave when selected to represent a County, Regional or National Team.

This protocol applies to staff who are participating as contestants or accredited and recognised coaches.

Where individuals attend events, including any required selection events and 'try outs', all such events will be completed in an individual's own time.

Members of staff have a responsibility to keep line managers updated with progress of event activities that may lead to time off requests.

### **4.5 One day of annual leave – without pay**



Staff are eligible to request one unpaid day of leave per year.

Can be taken as two half days but not as individual hours

No reason for the leave / absence request required.

Head teacher and/or Deputy Head teacher will refuse any requests that have a significant impact upon pupils learning and/or experiences.

Requests for leave on the same day by two different members of staff will be considered on a first come first served basis. Only in exceptional circumstances will two members of staff be allowed unpaid leave on the same day.

The request should be sent to the Headteacher one month beforehand.

## **5. RESOLUTION OF DISPUTES**

No request for leave under this guidance will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It would be expected in such circumstances, however, for the employee to try to resolve the matter informally with their Headteacher before reaching the formal grievance stage, in accordance with the Schools Grievance Procedure.

## **6. LOCAL ARRANGEMENTS**

The needs of staff who care for family members or dependents can often be very simple e.g. knowing that they will be able to leave work on time each day, or being able to make a telephone call home during the day to check that all is well.

Alternatively, a variation in the working pattern, such as altered shifts, or earlier/later starting and stopping times, may provide an adequate solution.

Needs such as these may be relatively easy to satisfy and it is expected that the individual's Headteacher will provide sympathetic support and strive to reach a mutually acceptable solution to the employee's requirements.

## **7. NOTIFICATION**

Members of staff should make their Headteacher aware of their potential need for leave at the earliest opportunity using the appropriate form at Appendix 2 and should keep in regular contact throughout this period.

## **8. RECORD KEEPING**

Leave should be recorded on an appropriate record card for future reference and to enable monitoring of its fair application throughout the School. Headteachers should also notify the Payroll Section to ensure appropriate payment and recording.

## **9. OTHER ASSISTANCE**

Employees with caring responsibilities are encouraged to take advantage of other facilities which already exist within the Council and which may provide them with support or access to coping mechanisms e.g. the Occupational Health Service, MEDRA counselling service, other stress management initiatives, etc.

*This guidance supersedes any other guidance, procedure, practice or reference in other documents to HR arrangements for dealing with special or carer leave.*

## **Appendix 1**

### **ROLES & RESPONSIBILITIES**

#### **Employee**

Where possible, to provide as much notice as possible to their Headteacher that they need to take the leave on offer.

Keep in touch with their Headteacher/Line Manager throughout their period of absence to let them know the position.

Seek out existing facilities within the Council which may provide additional support mechanisms, eg, Occupational Health Service, MEDRA counselling service.

#### **Headteacher/Governing Body**

Deal with each request for leave under this guidance reasonably and consistently.

Provide reasons to the employee for any refusal/modification of their requests.

Maintain adequate records of leave taken.

Treat all sensitive personal information confidentially and in accordance with Data Protection principles.

#### **HR**

Provide support and guidance to Headteachers on the application of this guidance.

Monitor the use and effectiveness of the guidance on an annual basis.

## Trade Unions

Support their members with the implementation of this guidance.

## Atodiad / Appendix 2

<b>Cais am amser i ffwrdd yn ystod tymor ysgol (Amgylchiadau arbennig neu gofalu)</b>	<b>Request for leave of absence during term time (Special leave or Carer Circumstances)</b>
Eich Manylion / Your details	
Enw / Name:	
Teitl Swydd / Post Title:	
Ysgol / School:	
Rhif Cyflog / Pay No.:	
Manylion Cyswllt Gwaith (e-bost/ ffôn) Work Contact Details (e-mail/telephone):	
Manylion Eich Rheolwr / Your Manager's Details	
Enw / Name:	
Teitl Swydd / Post Title:	
Manylion Cyswllt Gwaith (e-bost/ ffôn) Work Contact Details (e-mail/telephone):	
Manylion Absenoldeb / Leave details	
Dyddiadau a Hyd / Dates and duration	
Math of Absenoldeb / Type of Leave	
e.g. Carer, Domestic etc	

Rheswm am amser i ffwrdd / Reason for leave	
Nodwch amgylchiadau / Note circumstances	
Llofnod y Gweithiwr / Employee Signature:	
Dyddiad / Date:	

### Appendix 3

## APPLICATION OF SPECIAL AND CARERS' LEAVE FOR DOMESTIC, PERSONAL AND FAMILY REASONS.

### Definitions

#### BEREAVEMENT LEAVE

Definition - To provide reasonable support to members of staff at times of distress due to the death of a family member or dependent.

#### Duration Criteria

In considering the amount of leave, the Headteacher should take into account the specific circumstances e.g. the relationship between the member of staff and the person in question, whether the member of staff has a responsibility for the estate of the deceased, the availability of other relatives or friends and the distance to be travelled in dealing with such matters.

#### SERIOUS ILLNESS LEAVE

Definition - To provide reasonable support to members of staff at times of distress due to the unforeseen serious illness/hospitalisation of a family member or dependent.

#### Duration Criteria

In considering the amount of leave, the Headteacher should take into account the specific circumstances e.g. the relationship between the member of staff and the person in question, the availability of other relatives or friends and the distance to be travelled in dealing with such matters.

#### DOMESTIC EMERGENCIES

Definition - Leave under this heading can be defined as arrangements granted when members of staff need to be absent from work under circumstances not covered by sick leave, annual leave, bereavement leave, maternity leave, paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements. The leave is unpaid and it is expected that such leave would range from an hour or two to one or two days at the most.

This unpaid leave is provided as a short-term solution to help members of staff to balance the demands of their work and home responsibilities.

### **Duration Criteria**

Short term arrangements only up to a period of 2 consecutive days. In cases of exceptional difficulty, the Headteacher may extend this period for a further similar short-term period.

### **CARER LEAVE**

Definition - Where members of staff are primary carers for a family member or dependent, work and home life can cause conflicting pressures.

Carer leave is designed to encourage Headteachers to adopt flexible working practices at times when employees need assistance to balance their primary caring responsibilities with their work commitments.

Short Term Carer Leave allows for up to 5 working days' paid leave, which can be extended by up to a further period of 5 working days' unpaid leave.

### **Short periods of time off**

There may be circumstances when an employee needs a short period of time off e.g. to deal with an unexpected situation which requires them to care for a close family member or dependent for whom they are providing primary care. It can also cover short term childcare arrangements, eg, where a child's school closes unexpectedly and other childcare is not available. The employee must be the child's primary carer or can also be a foster carer for a child at the time when the child is under their care.

### **Long term arrangements**

There may, however, be times when the caring demands on the employee are such that the employee is forced to consider more extreme measures, such as a long term reduction in working hours, career breaks, in order to meet their caring commitments.

While each case must, quite obviously, be judged on its individual merits, the school is committed to ensuring that where the reason for an employee requesting a reduction in contracted hours is for the provision of care, his/her case will be considered sympathetically and will not be unreasonably denied.

Employees with primary caring responsibilities, who recognise the need to alter their contracted working hours on a long term basis, should discuss the matter with their Headteacher in the first instance. It may be considered appropriate for a member of the HR Team to be involved in these discussions.

Where the Headteacher/Governing Body feels unable, because of the needs of the school, to accede to the employee's request, the school should contact an appropriate member of the HR Team in order to investigate other alternatives e.g. secondment, career break, redeployment etc. Under circumstances where it is agreed that redeployment is an option, the employee concerned will be entitled to the full range of provisions available under the Schools Redeployment Policy. However, pay protection provisions will not apply.

The above entitlements are the maximum granted within a period of one year and are at the discretion of the Headteacher/Chair. In exceptional cases, where there is some uncertainty as to relevance/appropriateness, the Headteacher will consult with the HR Section and Governing Body to ensure a consistent approach when dealing with each case.