West Byfleet Infant School

We Belong, Inspire, Succeed

Special Leave of Absence policy

Our school vision is 'We Belong, Inspire, Succeed'. This reminds us daily that children need to feel safe and secure within the school community, have opportunities to inspire their interests and an enthusiasm for learning, as well as achieving success at all levels.

The Governing Body of West Byfleet Infant School recognise 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 sets out how special leave of absence will be managed.

Member of staff responsible	Head Teacher
Date Policy Produced	June 2022
Policy agreed/last reviewed	June 2024
Next review date	June 2026
Other Related Policies	No
Is it a Statutory Policy?	No – Head Teacher
Does it need Governor approval?	Head Teacher

Statement of Intent

The Governing Body of West Byfleet Infant School recognise 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 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 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 Head Teacher or Chair of Governors, as appropriate.

Time off for Dependants

Eligibility Criteria & Definition of Dependants

Every employee is entitled to take time off for dependants, regardless of hours worked or length of service.

A dependant is defined as:

- an employee's spouse, child or parent,
- a person who lives in the same household as the employee (but not by reason of being their employee, tenant, lodger or boarder), who reasonably relies on the employee for assistance on an occasion when the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury

Time off for Dependants is reasonable time off work to deal with unexpected or sudden emergencies and to make any necessary longer-term arrangements. The 'emergency' must involve a 'dependant' of the employee (see also Carer's Leave).

Amount of Time off for Dependants

The amount of time that is reasonable for an employee to take off to deal with an unexpected or sudden emergency or to make necessary longer-term arrangements will vary but it is likely that in most cases one or two days will be sufficient. The provision is intended to help the employee to manage a crisis.

There is no limit to the number of times an employee can request time off work to deal with an unexpected or sudden emergency or to make necessary longer-term arrangements, and time off will be granted provided each request is reasonable.

When Time off for Dependants can be taken

Time off for dependants can be taken:

- If a dependant falls ill
- If a dependant has been injured, in an accident or assaulted
- To make longer-term care arrangements for a dependant
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant
- To deal with an unexpected incident involving the employee's child during school hours
- If a dependant goes into labour

Pay during Time off for Dependants

Whilst there is no statutory right to be paid for time off for dependants, depending upon the circumstances the Headteacher can authorise up to a maximum of 5 days' paid dependency leave to enable an employee to deal with an unexpected or sudden emergency or to make necessary longer-term arrangements.

The Headteacher will consider each situation on a case by case regarding paid or unpaid leave.

Making a Request

The employee must tell the Headteacher and their Year Leader, as soon as practicable, the reason for their absence and how long they expect to be away from work. If this is known in advance it should be requested on the Special Leave of Absence form.

There may be exceptional circumstances, such as a medical emergency involving a dependant, where the employee must leave work before it has been possible to notify their Headteacher. In these circumstances the employee must follow the absence protocol and message a member of SLT to advise the reason for absence and if they have not yet returned, how long they expect to be away from work.

Legal Position

Employees are legally protected from suffering any detriment or disadvantage because they are taking or seeking to take time off for dependants.

Bereavement & Compassionate Leave

Family Bereavement Leave

Time off with pay will be granted at time of family bereavement on the death of a partner, parent, dependant, or sibling. Paid bereavement leave may also be granted on the death of other relatives, such as grandparents, nieces/nephews, aunts/uncles or in laws, depending on the circumstances.

Employees are entitled to up to 2 weeks' paid leave. Additional Bereavement Leave, whether paid or unpaid, is granted at the discretion of the Headteacher.

Employees may feel the need for a longer period to grieve. In these circumstances they should speak to the Headteacher and discuss:

- Using part of their annual leave
- Taking unpaid leave

Parental Bereavement Leave

Time off with pay will be granted at time of parental bereavement for primary carers following the death of a child under the age of 18, or a stillbirth after 24 weeks of pregnancy. This includes adopters, foster parents, and guardians, as well as close relatives or family friends who have taken responsibility for the child's care in the absence of parents.

Employees are entitled to up to two weeks' paid leave which includes the statutory entitlement. Leave should be taken in blocks of a week within 56 weeks of the child's death.

Additional Bereavement Leave, whether paid or unpaid is granted at the discretion of the Headteacher.

Compassionate Leave

Compassionate leave is for circumstances not covered by family and parental bereavement leave. Examples of when compassionate leave might be appropriate include:

- the death of someone who is not the employee's partner or close relative but with whom the employee has had a close relationship;
- when the employee or employee's partner has had a miscarriage or termination of pregnancy within the first 24 weeks of that pregnancy;
- in complex domestic situations where a short period of time off work may help the employee to cope with the situation for example:
    - the break-up of a long-term personal relationship or
    - when an employee is experiencing domestic abuse or
    - when an employee's partner or close family member has been diagnosed with a terminal illness or has been in a life threatening accident.

However, where a complex domestic situation has affected the employee's health and rendered them unfit for work, then any absence will be regarded as sickness absence.

The Headteacher may grant compassionate leave. Their decision is likely to consider the reason for the request; the likely duration, the length of service of the employee and any cover arrangements that might need to be made.

Parental Leave (Unpaid)

Introduction and Eligibility

Unpaid Parental Leave is the right to take unpaid time off work to look after a child or to arrange for the child's welfare.

Unpaid Parental Leave should not be confused with Shared Parental Leave which allows parents to share maternity or adoption leave between them.

The right to unpaid parental leave applies to both parents, whether they are biological or adoptive parents. Parents do not have to be living with a child to qualify for parental leave. Unpaid parental leave is an individual right and cannot be transferred between parents.

To qualify for unpaid parental leave all the following must apply:

- The employee must have at least one year's continuous service when the leave is taken
- The employee must be named on the child's birth or adoption certificate or they have, or expect to have, parental responsibility (which includes surrogate parents with a Parental Order)
- The employee must not be the child's foster parent (unless they have secured parental responsibility through the courts)
- The child must be under 18.

Continuous Service for Unpaid Parental Leave

An employee's continuous service date for unpaid parental leave eligibility is the length of time they have unbroken service with Surrey County Council, but it also covers movement between employment by the County Council and employment by the governing body of a community foundation or a voluntary aided school maintained by the County Council, where

there is no break in service. Continuity of service is normally broken if there has been a break in service of a period of one complete week, running from Sunday to Saturday between two contracts of employment, unless certain exceptions apply. The employee's statement of particulars of employment or amendment to contract letter confirms their continuous service start date.

Entitlement
A parent can take 18 weeks of unpaid parental leave (per child) prior to their child reaching 18 years of age. In any one year (running from January to December), each parent can take up to four weeks of parental leave. This needs to be taken in working-week blocks unless agreed otherwise, or unless their child is disabled.

The entitlement is given in working weeks. If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks, the number of days in a 'week' is the total number of days they work in a year divided by 52.

Unpaid parental leave applies to each child, not to an individual job. If a parent has used 10 weeks with a previous employer they can use up to 8 weeks with their new employer, if they are eligible.

For more information please ask the People and Facilities Manager for the Parental Leave Policy.

Time off For Medical Appointments and Treatment

Where possible, non-emergency appointments should be arranged during non-working hours. If a medical appointment has to take place during working hours, employees should make every effort to arrange them at either the beginning or end of the school day to minimise disruption. As part of the agreement with the LA, school staff will be entitled to paid periods of leave for:

- Medical screenings.
- Acting as a donor.
- Infertility treatment, e.g. IVF.
- Medical treatment.

There may be circumstances where frequent medical visits or hospital stays are required and employees are requested to give as much notice as possible, to allow the school to arrange cover.

Leave requests for medical visits should be submitted in writing on the Special Leave of Absence Form, detailing the type and severity of the visit, where the treatment is taking place, and how long the absence is expected to last.

Schools can request a copy of the appointment letter to confirm the details, though they cannot request copies of medical records from a medical professional, nor can they request that an employee discloses information about any health conditions that arise during employment. Employees may choose to volunteer this information, in which case the

employer should make adjustments to support the employee in their work. With the employee's consent, schools can seek advice on these adjustments from the employee's GP.

Time off for Public Duties

Employees can get time off work for certain public duties as well as their normal holiday entitlement. The Headteacher will have discretion to determine whether they will be paid or unpaid.

Reasonable time off for public duties

The amount of time off should be agreed between the employee and the school beforehand, based on:

- How long the duties might take.
- The amount of time the employee has already had off for public duties.
- How the time off will affect the business.

The school can refuse a request for time off if they think it is unreasonable; however, they cannot refuse their staff time off to do jury service or magistrate duty.

Who qualifies for time off

An employee can get a 'reasonable' amount of time off if they are:

- A magistrate (also known as a justice of the peace).
- A local councillor.
- A school governor.
- A member of any statutory tribunal (for example an employment tribunal).
- A member of the managing or governing board of an educational establishment.
- A member of a health authority.
- A member of a school council or board in Scotland.
- A member of the Environment Agency.
- A member of the prison independent monitoring boards.
- A trade union member (for trade union duties).

Giving staff time off for jury service

The school must and will allow an employee time off if they are called up to serve on a jury. Jury service usually lasts up to 10 days but can be longer. The school can ask employees to try to delay their jury service if their absence would seriously harm school operations, although they would need a letter from the school explaining why this is the case. Jury service can only be delayed once in a 12-month period, and it must say on the jury summons when they will be available.

When requesting leave for jury service, employees should provide a copy of the court summons.

Giving staff time off for magistrate duty

School must, by law, allow an employee who is a magistrate reasonable time off work to carry out their duties. Magistrates will get their magistrate rota well in advance and should provide this to school to give plenty of time to plan and agree the time off. The school is aware that employees serving as magistrates will have to be in court at least 13 days, or 26 half-days, per year.

Time off and pay

If any employee holds a public position, such as magistrate or school governor, the school will allow a reasonable amount of leave so that these duties can be fulfilled.

Employees may request leave via the Special Absence Request form 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.

Employees in the reserve forces

Employees in the Army Reserves or other reserve forces have certain protections under employment law if they are called up for service. Similarly, employers of reservists also have particular rights and obligations in this situation, e.g. they may be able to claim financial assistance or apply for an exemption.

When being called up (mobilised), the reservist will generally get 28 days' notice. Employers and employees will then have 7 days to apply to delay or cancel mobilisation if:

- As a reservist, mobilisation is at a difficult time, e.g. if caring for someone or in full-time education.
- As an employer, it would seriously harm the business, e.g. by causing financial harm or making it difficult to provide a service.

Trade union duties

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.

Other Special Leave Requests

There may be a myriad of reasons why an employee may need time off work during term time. It is up to the discretion of the headteacher to determine when special leave will be authorised and, if so, whether pay will be granted during the leave period.

Carer's Leave

Introduction

Employees are entitled to a week of unpaid leave to undertake caring responsibilities under the Carers' Leave Act 2023.

We recognise and value the contribution of carers; and understand the additional pressures carers face when managing both their work and caring responsibilities. To support our employees with caring responsibilities the Headteacher has the discretion to consider giving 1 week of paid carer's leave in any rolling 12-month period (for the definition of 1 week, please see the eligibility criteria below) based on individual circumstances.

Eligibility Criteria & Definition of Carer

We acknowledge that everyone's caring responsibilities are different, and people may join the school with pre-existing caring responsibilities, therefore employees are eligible to request, with appropriate notice, carer's leave regardless of length of service. However, to be eligible a carer must have a relationship with the individual which falls within the one of the following categories:

- A spouse or civil partner
- An employee's child
- A parent or parent of partner
- A person who lives in the same household as the employee (otherwise than by reason of being their employee, tenant, lodger, or boarder)
- A person who reasonably relies on an employee for care, for example an elderly neighbour with no relatives, who is living alone.

In addition, the individual requiring care must have a long-term care need. The care need may be due to illness or injury (physical or mental) that requires or is likely to require, care for more than three months; a disability as defined under the Equality Act 2010 or issues related to old age. In most cases, one or two days will be the most that is needed to deal with the immediate issues and arrange longer-term care if necessary.

If you require Carer's Leave please contact the People and Facilities Manager for more information.

Legal Position

Employees are legally protected from suffering any detriment or disadvantage because they are taking or seeking to take carer's leave.

Support Leave for Maternity & Adoption

The Headteacher may grant up to one week of leave (paid or unpaid at Headteacher's discretion) to a member of staff who is the nominated carer of a birth mother or an adoptive mother or father. A nominated carer is the person nominated by the birth mother or the adoptive mother or father as their primary provider of support at or around the time of the birth or adoption. The leave should be taken around the time of the birth or adoption and can be taken on separate days if preferred. Employees should let their Headteacher know as soon as possible the exact dates. Support Leave for Maternity and Adoption is aimed at those employees who are not eligible for Paternity Leave (for example a grandparent), where the birth or adoptive parent does not have a partner who would be eligible for Paternity Leave.

Foster Carers

Introduction and Definition of Foster Carer

As a school we are keen to support Foster Carers, Friends and Family Carers, Staying Put Carers, Supported Lodging Providers and Special Guardians and to support those already providing these types of care by providing time off work where necessary.
The terms Foster Carer, Friends and Family Carer, Staying Put Carer, Supported Lodging Provider and Special Guardian are defined in Surrey County Council's Definition of Carer document.

Eligibility Criteria

Every employee who is a prospective or approved Foster Carer, Friends and Family Carer, Staying Put Carer, Supported Lodging Provider or Special Guardian is entitled to make a request for time off under this policy, regardless of hours worked. Employees are entitled to this right from their first day of work.

When Foster Carer Support Leave can be taken

Support Leave can be granted for a variety of reasons, to enable employees to become carers or to continue to provide care where a child is in placement, or a young person is in a staying put arrangement. For further information on leave for Foster Carer's please contact the People and Facilities Manager.

Disability Leave

Introduction & Guiding Principles

The School understands that people are disabled by the barriers they face in society (both physical and because of attitudes based on prejudice or stereotype) and not by their impairment or condition. The removal of these barriers creates a more equal society where disabled people can live independently and have more control over their lives.
The skills and experience of our disabled employees are highly valued, and at WBIS we are committed to supporting our disabled employees by removing access barriers, tackling discrimination, and implementing best employment practice. As part of this commitment, WBIS recognises and accepts that disabled employees may require time off work for medical reasons (treatment, tests, respite, recuperation etc.) to support and/or treat their condition.

Definition of Disability Leave

Disability leave is a type of workplace adjustment and is in accordance with good employment practice as recommended by the Equality and Human Rights Commission.

Disability Leave is paid time off work for circumstances when the employee is well enough to work, however needs time away from work to attend appointments related to their disability or long-term health condition. This might, for example, be for pre-planned appointments or treatments that help to improve or maintain their health and wellbeing or for training an assistance animal. On occasions, disability leave may be given when time off work is needed but is unplanned.

Disability leave is not the same as a disability related sickness absence which is unplanned absence that is related to a known disability or health condition and is taken when an employee is not well enough to attend work. For example, time off for a period of mental ill health or for condition-related fatigue or for a fluctuating condition.

Any time off for disability leave will not be counted towards triggers for our formal absence management processes, will not be included in absences for references, will not be taken into consideration for formal performance monitoring and will not be taken into consideration during any redundancy processes.

Eligibility
All employees who are disabled or who have a long-term health condition are eligible for disability leave where disability leave would be a reasonable adjustment. An employee should not be asked to "prove" that they are disabled or that they have a long-term health condition to access disability leave.

Arranging Disability Leave
Not all disabled employees/employees with long-term health conditions will need additional time off work as disability leave. It may be possible to accommodate the time off work that they need by, for example, adjusting working patterns. Together with their Year Lead or Headteacher, and Occupational Health, a disabled employees may be able to agree working pattern adjustments that will help them and the organisation to accommodate appointments in the following, or similar ways:

- Arranging appointments at the beginning or end of the day and making up the time by starting earlier or finishing later that day

- Making up the time during the rest of the week

However, this will not always be possible and, therefore, the Headteacher may give a reasonable amount of time off work dependent upon the specific requirements of the employee without the need for the employee to make up those hours. Sometimes a combination of working pattern adjustments and additional disability leave might be an appropriate reasonable workplace adjustment and details can be appropriately recorded.

It is not possible to give hard and fast guidelines on the amount of disability leave an employee may need because individuals' disabilities, personal management strategies and circumstances will all be different. Individuals may have the same disability but different coping mechanisms and different circumstances which need to be considered. Each employee's needs must be considered on a case-by-case basis. The Headteacher should adopt a flexible approach and should seek advice from Occupational Health as appropriate. What is vital is a positive and pragmatic approach. Disabled employees need to feel confident and supported when they approach their Year Lead or Headteacher and should

not be left feeling vulnerable or that they have been disadvantaged. Employees should be fully consulted about any decision made or advice received.

To accommodate the needs of individual employees, disability leave may be taken in different ways for example once a week for a period, a few days over the course of each year, a block of time or perhaps as periods of part time working to enable the employee to receive treatment or assessment related to their disability/long term health condition.

Planned Disability Leave

Planned disability leave is leave that is agreed in advance between the employee and their manager. Planned leave might include time off for (this is not an exhaustive list):

- Therapeutic treatment/counselling for physical and/or emotional health related to the employee's disability/long term health condition
- Radiology or chemotherapy treatments and recovery time (where the employee is well enough to attend work but is signed off for short periods to avoid infection)
- Recuperation or rehabilitation following treatment
- Training with guide or hearing dog/assistance animal
- Planning and implementing adjustments to the workplace or job
- A phased return to work or period off work for a newly disabled employee
- Having equipment serviced or fitted.

Disability leave may also be agreed where, based on medical advice, for example from Occupational Health, it is not appropriate for an employee to remain at work or be redeployed, whilst other reasonable adjustments are being made. However, please note that if reasonable adjustments are not possible or fail to enable the employee to return/remain at work then the Headteacher should seek advice from the HR service/HR provider about next steps.

Agreement must be reached between the Headteacher and employee regarding the number of days of planned leave that is required as part of the reasonable workplace adjustments process and alongside other types of reasonable workplace adjustments where appropriate.

Where planned disability leave is agreed, as with all reasonable adjustments, it must be reviewed on a regular basis, and at least annually, to ensure it remains appropriate and relevant. Reviews will be supportive and confidential. Employees whose circumstances change throughout the year may request a meeting to review their planned disability leave or other workplace adjustments at any time.

Unplanned Disability Leave

The Headteacher and employee should discuss the likelihood of any unplanned leave, taking into consideration previous disability related absences and any improvement or deterioration (actual or anticipated) in the employee's condition. It may be possible to identify reasonable workplace adjustments, which would counteract the need for unplanned disability leave. Unplanned leave may include circumstances such as:

- Breakdown of usual arrangements at work (e.g., malfunction of an aid or adaptation)

- Breakdown of usual arrangements that make it difficult to get to work (e.g., care breakdown and in the absence of an accessible alternative)

Where unplanned disability leave is required, employees must notify their Headteacher as soon as possible, providing a reason for the absence and indicating, where possible, when they expect to return.