

# Authorised Special Leave (model policy)

GCC Plus (HR Policies & Guidance)



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## 1.0 Introduction

- 1.1 The School is committed to supporting employees who may need to take time off work for various reasons not covered by the normal annual leave provisions. This model policy describes the various situations in which authorised leave may be granted.
- 1.2 Entitlements to certain types of leave are covered by statute, whilst other forms of leave are discretionary and may be granted by Headteachers/managers subject to individual circumstances and the needs of the service.
- 1.3 This policy applies to support staff (Green Book), teachers (Burgundy Book) and teachers in residential schools/establishments (Orange Book).

## 2.0 Defining a dependant

- 2.1 Any person living in the household with the employee who is directly dependent on them. This could be a spouse/civil partner, child or parent.
- 2.2 Any near relative, for example parent, son or daughter who lives separately from the employee but requires their support as a result of an emergency.

## 3.0 Family Care Leave

- 4.1 All employees are entitled to take a reasonable amount of unpaid time off work to deal with unexpected or emergency situations involving a dependant. Local Authority Schools and Academies employing staff on Green Book terms and conditions should provide Family Care Leave to Green Book employees. It is at each school's discretion to extend the provision to employees not covered by the Green Book, such as Teachers (Burgundy Book) and employees in Academies not on Green Book terms and conditions.

- 4.2. Your manager has the discretion to allow you up to five days' paid Family Care Leave per leave year (pro-rata if you are part time) for genuine emergency family care situations. You must have a caring responsibility as follows:

- Any person living in the household with you who is directly dependent on you. This could be a spouse, civil partner, child or parent.
- Any near relative, for example parent, son or daughter who lives separately from you but requires your support as a result of an emergency.

Normal care arrangements must have broken down or be suddenly disturbed.

Examples are:

4.2.1. Accidents or injuries to a dependent or near relative.

4.2.2. Sudden, urgent closure of a school or day care provision.

## 4.0 Unpaid leave

- 4.1 Where Family Care Leave entitlement has been exhausted, Headteachers can approve unpaid leave to deal with unexpected or emergency situations involving a dependent.

- 4.2 Unexpected or emergency situations include illness, injury, break-down of care arrangements or dealing with an unexpected accident involving a child or dependant.
- 4.3 In exceptional situations the employee may not be able to seek permission prior to the absence but they will be expected to inform the school, as soon as is practicable, of the reason for their absence and how long they expect to be absent. Time off work is expected to be no more than one or two days in these circumstances.
- 4.4 For leave to deal with unexpected or emergency situations involving a dependant normal care arrangements must have broken down or be suddenly disturbed. Examples are, but not limited to:
- 4.4.1 Accidents or injuries to a dependant or near relative.
  - 4.4.2 Sudden, urgent closure of a school or day care provision.
  - 4.4.3 Start of sickness of a dependant or near relative where immediate medical treatment is necessary.

## 5.0 Compassionate leave

- 5.1 This type of leave is available in certain circumstances and employees may request this from the Headteacher/governors who have the discretion to grant this.
- 5.2 The following table shows examples of circumstances and the number of days paid leave available:

<b>Death or critical illness of immediate family member or near relative</b>	<b>Number of discretionary paid compassionate leave days per leave year (N.B not per occasion)</b>
Immediate family member i.e. spouse, civil partner, partner, parent, child, sibling or grandparent	Up to five days per leave year
Near relative i.e. aunt, uncle, parent in law, cousin or dependant where the employee is responsible for funeral arrangements	Up to five days per leave year
Near relative or dependant where the employee is not responsible for funeral arrangements	Up to three days per leave year

- 5.3 In exceptional circumstances governors can grant special paid leave and/or unpaid leave to allow employee to care for their spouse/partner and/or dependant during a prolonged illness. This is discretionary and subject to the needs of the school.

## 6.0 Parental bereavement leave (PBL)

- 6.1 Bereaved parents have a statutory right to two weeks PBL regardless of length of service, in the event of the death of a child (under the age of 18) they have parental responsibility for.
- 6.2 This leave can be taken in the 56 weeks following the child's death. In the event that more than one child dies, a separate entitlement to bereavement leave for each child is available.
- 6.3 PBL can be taken as:

- 6.3.1 A single block of two weeks; or
- 6.3.2 Two separate blocks of one week at different times

6.4 This right applies to employees who come under the following categories: the biological parent; adoptive parent if the child was living with them; person who lived with and had responsibility for them (for at least 4 weeks before they died); the intended parent (due to become legal parent via surrogacy); or the partner of the child's parent if they live with the child and the child's parent in a family relationship.

## **7.0 Other special paid leave**

7.1 The following can be considered by Headteachers/governors:

- 7.1.1 Removal of household effects – one day at a time
- 7.1.2 Approved vocational exams – period of exam
- 7.1.3 Approved vocational courses – duration of course

7.2 Governors and Headteachers may also authorise leave of absence with pay, up to a maximum of two days per year, for exceptional circumstances, not covered above.

7.3 Requests for special leave not covered above must be made to the governing board and if granted, will be unpaid unless stated.

## **8.0 Medical or dental appointments**

8.1 Where possible, the employee should make every effort to make appointments outside school hours. Where this is not possible the employee should ensure that the time is minimal and the employee gains approval from their Headteacher/line manager before the appointment.

8.2 In addition, paid time off should be made available for cancer screening.

## **9.0 Parliamentary or district council election nominees**

9.1 Employees taking part in pre-election campaigns will need to request unpaid leave or annual leave if they work all year round.

## **10.0 Elected members of the district/parish council and/or appointed JP**

10.1 Employees need to give their Headteachers/governors as much notice as possible of their intention to be absent on a particular day, or part thereof, to attend to their public duties. It is recognised that the majority of parish council meetings take place outside normal office hours.

10.2 In considering requests for such time off, governors/headteachers will consider the needs of the school as well as the needs of the employee. The maximum amount of time off with pay for full time employees undertaking these duties shall not exceed 208 working hours per financial year (1 April to 31<sup>st</sup> March) for each duty.

10.3 Where employees can demonstrate to governors their public office requires them to spend more than 208 hours working on such duties, their request for additional leave should not be unreasonably refused, although it will be unpaid. For part time employees, this should be calculated on a pro rata basis.

10.4 On days where paid leave of absence is approved for being appointed as a Justice of the Peace, the school will not make any deductions from pay and therefore such employees will not need to claim a financial loss allowance.

10.5 Where employees are elected council members and claim member allowances on those days where paid leave is approved, an amount equivalent to the allowances claimed will be deducted from their pay. (These employees will need to notify the payroll provider of the amount of allowance claimed to ensure monthly salary payments are processed correctly).

### **11.0 Other paid activities undertaken by the employee**

11.1 Employees who volunteer to participate in paid activities, e.g. census; election etc., should request annual leave or unpaid leave.

### **12.0 Army/navy/air cadet/reservist annual camps**

12.1 Employees who are instructors in the Army, Navy or Air Cadet Forces or a reservist, can take special paid leave to attend annual camps. However, this does not apply to voluntary organisations such as the Boys Brigade, Scouts, Guides etc.

12.2 If an employee is a reservist and is mobilised, please see the Local Government Employer's website for guidance on entitlement to pay and other conditions of service.

### **13.0 School Governors**

13.1 As it is regarded as a public duty, unpaid leave of absence can be given to employees who are governors of other schools (i.e. not the one whom they are employed by).

### **14.0 Religious Festivals**

14.1 An employee wishing to observe a religious festival, for which there is no current public holiday, should apply in the normal way to their headteacher.

14.2 Term time only employees, who are not normally allowed to take leave during the school term, may apply for time off to observe a religious festival on the clear understanding that the time off will have to be made up either during the term time or during the school holiday periods. This time off facility will be limited to two days per year.

### **15.0 Jury Service**

15.1 Leave should be provided unless the employee gets an exemption from serving on the jury.

15.2 The employee will receive, with their jury summons, a Certificate of Loss of Earnings or Benefit, which should be completed, with a copy provided to the line manager, to recover the wages that would otherwise be lost in respect of the period of jury service. This should be submitted to HM Courts and Tribunals Service (HMCTS) to receive reimbursement, up to a limit, for loss of earnings incurred due to being absent from work due for jury service.

15.3 The employee will be paid as normal until reimbursement has been processed by HMCTS, whereupon the receipt for the reimbursement should be given to the school who will then make the appropriate deduction to the employee's pay.

**16.0 Head teachers**

16.1 Headteachers may take leave under the above provisions with the agreement of the Chair of Governors.

**17.0 Absence requiring the closure of a school**

17.1 Where the absence of any teacher would require the closure of a school, no such closure should be made without reference to the Director of CYPD.

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