

Central Policy:

Trust-wide, applicable at trust and school levels. Schools may not make any changes or adaptations

Emergency and Special Leave Policy



St Mary's Primary School

Approved by:	Pay & Personnel Committee
Date:	2019
Next review date:	

Adopted by school:	St Mary's Primary School
Date:	11-10-2023

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Introduction

An emergency leave procedure can be applied in a variety of situations including:

- Emergency situations- time off required to deal with unforeseen emergency events involving a dependant;
- Other Discretionary Leave – time off for other urgent or personal events;
- Special Leave – Public Duties, Jury Service, Volunteer Reservists.

The objectives of this guidance are to:

- Ensure guidelines are provided to school leaders as to the approach that should be followed when a request is made for emergency leave;
- Provide appropriate support to school staff;
- Ensure that any request for emergency leave is handled in a consistent manner;
- Ensure that ODST complies with its legal obligations such as those contained within the Employment Relations Acts of 1996 and 1999.

Line managers have a responsibility for ensuring that they approach all requests for emergency leave in a consistent manner and should aim to apply the principles of this guidance when dealing with a request. Staff members are responsible for providing as much relevant information as required to enable an emergency leave request to be considered.

Please note that the terminology ‘staff member’ has been used throughout this document; this is taken to mean those who hold a contract of employment with an ODST school but does not extend to those employed by third parties such as contractors and supply agencies.

Emergency Leave

There are times when staff members have unforeseen emergency situations, outside of work, that need their urgent personal attention. On these occasions staff members may need time off to deal with the immediate crisis.

All staff members are entitled in law (under the Employment Relations Act 1999) to unpaid time off work to deal with an emergency involving a dependant. The amount of time permissible is not defined but it would be expected that one or two days will usually be sufficient- i.e. enough time to make alternative arrangements.

For the sake of clarity, a dependant is defined as:

- your spouse, partner, child or parent;
- anyone living in your household as a member of the family (other than a tenant or lodger);
- anyone who reasonably relies on you for help in an emergency.

It is recognised that many of those working in the education sector are employed to work during term time and do not have the flexibility to use annual leave. Therefore, in addition to the legal entitlement to unpaid leave, ODST may at its discretion to permit those working in its member schools to paid time off in certain emergency situations. This is a decision that is usually delegated to the Headteacher (or to the Chair of Governors in liaison with the Director of Schools if the request is being made by the Headteacher).

Discretionary Time Off

Staff members are expected to take all reasonable steps to avoid having to take time off during the working day. However, from time to time, they may request time off where it has not been possible to arrange events outside the normal working day. Requests for leave of absence for certain urgent or personal reasons may be considered, for example:

- Moving house;
- Attending the wedding of relatives or friends;
- Attending funerals not covered by emergency leave;
- Religious festivals;
- Playing representative games e.g. for the County;
- Graduation ceremony;
- Attending the graduation ceremony of a dependant.

In such circumstances it is anticipated that no more than one day would be granted for each event (Up to a maximum of three days in an academic year).

Dental or Medical appointments

Appointments for routine medical or dental checks, screenings and treatment must be made outside normal working hours in a staff member's own time. Where this is not possible e.g. hospital appointments, the head teacher or line manager may agree to time off. Proof of the appointment may be required.

Agreement may be given for staff members to take paid time off during the school day for emergency medical treatment or hospital appointments. Staff members should apply for time off in advance, in line with local arrangements. A template form is included at the end of this document.

The school recognises that disabled staff members, (as defined under the Equality Act), may have periods where they need time off work to attend medical appointments for treatment, rehabilitation, check-ups etc. to help them manage their condition. Normally, the school will allow paid time off for a disabled staff member to attend up to ten appointments (pro rata for part time staff) over a twelve-month rolling period, as a reasonable adjustment. This limit is regarded as a reasonable amount of time in most circumstances but may be varied in exceptional circumstances depending on the facts of the case.

Study Leave

Requests for study and examination leave may also be considered where the studies are relevant to the staff member's work e.g. study for a degree or similar qualification. Payment of salary may be agreed for up to three days during a rolling year, including days for examinations.

Special Leave - Time off for Public Duties

The Employment Rights Act 1996, gives staff members the right to reasonable unpaid time off during working hours to carry out public duties. Public duties include being a Justice of the Peace (Magistrate), a school governor or a member of a local council. A full list of public duties covered by the Act can be found [on-line](#).

In accordance with the national terms and conditions for school staff, staff members can be granted a reasonable amount of paid time off for carrying out these public duties.

The time off must be agreed by the line manager in advance. A request can be refused if it is unreasonable.

Whether time off is classed as 'reasonable' will depend on:

- what the staff member's duties are;
- the time needed to carry them out;
- the impact on ODST;
- the amount of time off already taken for public or trade union duties.

Jury Service: A staff member receiving a summons to serve on a jury must inform their line manager who will grant the leave of absence unless an exemption is secured. All staff members should claim the financial loss allowance from the court who will provide a claim form. An equivalent amount will subsequently be deducted from their pay.

Adverse Weather and/or Disruption to Travel

Staff members have a responsibility to attend their place of work. In the event that a staff member does not attend the school due to adverse weather or lack of transport there is no legal entitlement to receive pay but each situation should be looked at on its own merits.

In practice, if weather conditions are very poor or there is significant disruption to travel and the school is open each staff member will need to consider travelling conditions for their journey to work. In such circumstances it is expected that staff members will make every reasonable effort to undertake the journey to the school, whilst having regard to their own health and safety, and it is recognised that this may mean a journey time longer than normal. Those that are unable to attend the school should notify the Headteacher who will wish to satisfy him/herself that they had a good reason for not attending and could not reasonably have been expected to get to work. In these circumstances it is reasonable to expect that members of staff will work at home and to pay them as normal.

If a decision is made to close the school, staff members should be paid as normal.

Headteacher Responsibilities

Headteachers should ensure all staff members are aware of the emergency leave guidelines and know who they should contact when emergencies arise and how to apply for emergency, discretionary and special leave. Forms for requesting leave are included at the end of this document

Gather the necessary information needed from staff members to consider applications for leave and communicate decisions, usually in writing, within five working days of receiving applications.

Ensure there are proper records of the consideration of all requests for time off and that a copy is placed on the individuals personnel file on each occasion. This will include retrospective consideration in cases of emergency.

Staff Responsibilities

All staff members should be aware of this guidance.

Staff members are expected to take steps to avoid requesting time off wherever practicable. This is particularly relevant where there is a possibility of the need for time off to re-occur. Examples of this would include:

- Medical appointments
- Care of a dependant

Requesting Emergency Leave

Where an emergency does arise and the staff member is unable to let the Headteacher know before taking the leave, they must let them know as soon as practicable, by telephone and in accordance with the standard procedure. Full details of the circumstances should be provided along with the amount of time they expect to be absent. The Headteacher should confirm whether Emergency Leave applies and make an initial assessment of the appropriate amount of time off and whether it is to be paid or unpaid.

Requesting Special or Discretionary Leave

A staff member should make a request for Special or Discretionary Leave at the earliest opportunity giving full details of the circumstances and the number of days required.

The Headteacher will confirm whether Special or Discretionary Leave is granted and whether it is paid or unpaid. In the case of the headteacher making the request, the request will be made to the Chair of Governors.

Keeping in Touch: depending on the length and nature of any period of special or discretionary leave, staff members and their Headteacher may wish to keep in touch. Headteachers must be kept informed of any changes to the situation on a regular basis.

Further advice and support is available from the ODST HR team.

Appendix 1 - Request for Emergency Leave

Complete and sign this form and return it to Headteacher.

Requests for time off should be made in advance unless an emergency situation prevents this, in which case this form should be completed retrospectively.

Requests will be considered in line with the Emergency and Special Leave Scheme and will normally be responded to within five working days.

Important Note: This form is for internal school use only. All agreed absences must be reported to the Payroll Provider and HR to ensure that the staff member is paid correctly.

Emergency Leave – time off to deal with unforeseen emergency events involving a dependant			
Name:			
From (day and date):			
My last working day was (day and date):			
I returned to work on (day and date):			
Number of working days:			
Reason for emergency leave:			
Staff member's signature:			Date
Emergency leave approval:			
Paid		Unpaid	
Signed			Date

A copy of this form should be retained in the personnel file.

Appendix 2 - Request for Discretionary or Special Leave

Complete and sign this form and return it to Headteacher / Line Manager.

Requests for time off must be made in advance.

Requests will be considered in line with the Emergency and Special Leave Scheme and will normally be responded to within five working days.

Important Note: This form is for internal school use only. All agreed absences must be reported to the Payroll provider and HR team to ensure that the staff member is paid correctly.

Special Leave – Public Duties, Jury Service, Volunteer Reservists, Election Duties or other Discretionary Leave – time off for other urgent or personal events			
Name:			
From (day and date):			
To (day and date):			
Number of working days:			
Number of working hours:			
<i>You should complete the number of hours if you are employed part time (for support staff this means less than 37 hours) or if the hours you work are not the same each day</i>			
Reason for Discretionary leave:			
Staff member's signature:			Date
Special/Discretionary leave approval:			
Your request for leave is agreed / not agreed (delete as appropriate)			
Paid		Unpaid	
Signed			Date

A copy of this form should be retained in the personnel file.

Appendix 3 - Legal obligations

Reason for Emergency Leave	Legal Entitlement to unpaid leave	Line Manager discretion
Illness of a dependant: if your child falls ill you can take enough time off to deal with their initial needs, such as taking them to the doctor and arranging for their care.	Yes	To be discussed on a case by case basis with the staff member
Unexpected breakdown of care arrangements for a dependant: e.g. if a childminder or nurse fails to turn up as arranged or the nursery or nursing home has to close unexpectedly.	Yes	
Death of a dependant: when a dependant dies, you can take time off if you need to make funeral arrangements, to attend the funeral and to finalise their affairs	Yes	
Dealing with a burglary, flood or fire at your home	No	1 or 2 days paid or unpaid
To deal with an emergency incident involving your child during school hours	Yes	1 or 2 days paid or unpaid
Attending the funeral of other relative or friend	No	1 day paid or unpaid
Discretionary Paid or Unpaid Time Off - may be agreed for the events below (this list is not exhaustive)		
Moving house	No	Usually 1 day at a time for any single event
Wedding of relative/friend	No	
Religious festivals	No	
Playing representative sport	No	
Study and exams for qualification – where agreed and relevant to work	No	
Graduation ceremony – dependant or own	No	