Special Leave Policy

Everyone Matters Schools Trust

Policy Owner	CEO and Trustees
Scope of the Policy	This policy applies to all of the School community
Last reviewed by trustees	**September 2025**
Next review due	**September 2028**
Summary of key changes	New Policy split out from Flexible working
Committee Responsible	Trustees

1 SCOPE AND PURPOSE

1.1 This policy reflects various rights including the following:

1.1.1 the statutory right to take reasonable unpaid time off work to take necessary action in respect of dependants in accordance with the Employment Rights Act 1996;

1.1.2 the statutory right to take up to one week's unpaid carer's leave each year to provide or arrange care for a qualifying dependant with a long-term care need;

1.1.3 the right to take time off for certain Public Duties including Jury Service;

1.1.4 reserve forces duties;

1.1.5 parental bereavement leave;

1.1.6 discretionary leave; and

1.1.7 religious observation leave.

1.2 This policy does not form part of any employee's contract of employment and it may be amended at any time after consultation with our recognised Trade Unions. The Trust may also vary any parts of this policy, including any time limits, as appropriate in any case.

2 WHO IS COVERED BY THIS POLICY?

2.1 This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees (collectively referred to as employees in this policy).

2.2 This policy does not apply to agency workers, casual staff or volunteers.

3 WHO IS RESPONSIBLE FOR THE POLICY?

3.1 The **School** has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The School has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal/Head Teacher.

3.2 The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

4 EMERGENCY DEPENDANT LEAVE

4.1 The **School** respects that there will be occasions when employees will need to take time off work to deal with unexpected events involving one of their dependants.

4.2 This policy gives all employees the right to take a reasonable amount of unpaid time off work to deal with certain situations affecting their dependants.

4.3 No-one who takes time off in accordance with this policy will be subjected to any detriment.

4.4 A dependant for the purpose of this policy is:

4.4.1 an employee's spouse, civil partner, parent or child;

4.4.2 a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee;

4.4.3 anyone else who reasonably relies on an employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 5.

4.5 Reasonable time for the purpose of this policy will not normally be more than a day or two. However, the **School** will always consider each set of circumstances on their facts.

4.6 All employees have a right to take a reasonable amount of unpaid time off work when it is necessary to:

4.6.1 provide assistance when a dependant falls ill, gives birth, is injured or assaulted;

4.6.2 make longer-term care arrangements for a dependent who is ill or injured;

4.6.3 take action required in consequence of the death of a dependant;

4.6.4 deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or

4.6.5 deal with an unexpected incident involving their dependent during working hours.

4.7 Employees are only entitled to take time off under this policy to provide personal care for a dependant where there is an immediate crisis.

4.8 Employees should take advice from their Line Manager/the Senior Leadership Team if they need to take time off work in the circumstances set out in paragraph 4.2.

4.9 For the right to take time off under this policy to arise, it must be necessary for an employee to take action in relation to a dependant. The requirement to take action will depend on the nature of the problem, the closeness of the relationship between the employee and the dependant, and whether someone else is available to assist. Action is unlikely to be considered necessary if the employee knew in advance that a problem might arise but did not make alternative arrangements for a dependant's care.

4.10 Employees will only be entitled to take time off in respect of emergency dependants' leave, if as soon as is reasonably practicable, they tell their Line Manager/Principal/Head Teacher or the Senior Leadership Team:

4.10.1 the reason for the absence; and

4.10.2 how long they expect to be away from work.

4.11 If employees fail to provide the notification required in paragraph 4.10 they may be subject to disciplinary proceedings under the School's Disciplinary Policy for taking unauthorised time off.

5 CARER'S LEAVE

5.1 The School understands that many of our staff will have caring responsibilities and that there may be occasions when staff need to take time off work to provide or arrange care for a dependant with a long-term care need. Eligible employees have the right to take up to one week of unpaid time off work in each rolling 12-month period to provide or arrange care for a dependant with a long-term care need.

5.2 A dependant for the purposes of this policy is:

5.2.1 an employee's spouse, civil partner, parent or child;

5.2.2 a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or

5.2.3 anyone else who reasonably relies on the employee to provide or arrange their care.

5.3 A dependant will have a long-term care need if they:

5.3.1 are disabled for the purposes of the Equality Act 2010;

5.3.2 require care for a reason connected with their old age; or

5.3.3 have an illness or injury, whether physical or mental, that requires (or is likely to require) care for more than three months.

5.4 Employees who meet the eligibility conditions will be entitled to take up to maximum of one week of [unpaid] carer's leave (**CL**) in each rolling 12-month period. Half a working day is the minimum amount of CL that can be taken at any one time. The maximum amount of CL is one continuous week per year. CL need not be taken on consecutive days.

5.5 An employee will meet the eligibility conditions for CL is they:

5.5.1 have a qualifying dependant with a long-term care need;

5.5.2 have not exhausted their entitlement to CL in the current year; and

5.5.3 are taking CL to provide or arrange care for the qualifying dependant.

5.6 To take a period of CL, the employee must give us whichever is the longer of:

5.6.1 three days' notice; or

5.6.2 twice as many days' notice as the number of days CL being requested.

5.7 When giving notice to take CL (preferably in writing) the employee must specify:

5.7.1 that they are entitled to take CL to provide or arrange care for a qualifying dependant with a long-term care need;

5.7.2 the date they wish their CL to start; and

5.7.3 the number of day(s) of CL they wish to take (clearly indicating if they want to take half a working day of CL).

5.8 If we reasonably consider that the taking of CL at the time requested would cause undue disruption to the school, we can postpone CL for up to one month. We will provide the employee with a written notice explaining the reason for the postponement and the revised date(s) when CL can be taken (we will consult with the employee to mutually agree these) as soon as reasonably practicable, but in any event before whichever is the earliest of the full or half working day of CL requested, or seven days after the employee gave us notice to take CL.

5.9 The **statutory right to CL is the right to take unpaid time off**, so employee's will not be entitled to receive pay or salary during any period of CL. However, the School may apply its discretion to pay a qualifying employee at their full rate of pay.

5.10 During CL, all the terms and conditions of the employee's employment contract (save for any terms relating to pay) will continue to apply. The employee will continue to accrue annual leave in the usual way.

5.11 The employee is entitled to return to the same job they were doing immediately before they took CL. If an employee has taken CL and any other statutory leave (eg maternity or adoption leave) consecutively, the period of CL does not count when calculating the time the employee has been away from work in respect of their right to return to the job in which they were previously engaged.

6 PUBLIC DUTIES

6.1 Employees will also be able to perform certain public duties and the Trust will support time off where it does not conflict with the operational needs of the Trust.

6.2 Time off may be granted in respect of the following public duties:

6.2.1 jury service;

6.2.2 tribunal member;

6.2.3 magistrate;

6.2.4 local councillor;

6.2.5 member of an NHS Trust;

6.2.6 prison visitor;

6.2.7 police station lay visitor; and

6.2.8 School governor.

6.3 If leave is granted then it will be with full pay for the first five days of Public Duties in any academic year. The Trust retains discretion to allow time off with full pay beyond the fifth day. In any event, it may be possible to claim expenses and loss of earnings (for example in respect of jury service).

6.4 An employee requesting time off for Public Duties should notify their line manager in writing, providing full details of the time off that is being requested and the reasons for the request. This request must be made as soon as possible so that cover can be arranged.

6.5 Each request will be considered on its merits taking into account all of the circumstances, including the effect on the Trust.

7 RESERVE FORCES DUTIES

7.1 The School is aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be deployed on full-time operations, and are expected to attend regular training.

7.2 The School is under no obligation to offer leave (either paid or unpaid) for reservists to undertake training and employees should use existing holiday entitlement to meet training commitments. If an employee takes time off work to attend reservist training without first obtaining our permission in the usual way, we will treat this as an absence without leave and disciplinary action may be taken.

7.3 If an employee receives notice that they have been called-up for active service the School may apply to an adjudication officer for the notice to be deferred or revoked if the employee's absence would cause serious harm to the School (which could not be prevented by the grant of financial assistance).

8 PARENTAL BEREAVEMENT LEAVE

8.1 Parents who meet certain eligibility criteria and meet certain notification requirements, are entitled to take a period of parental bereavement leave, on the death of a child under 18, or a stillbirth after at least 24 weeks of pregnancy.

8.2 An employee will be entitled to up to **maximum of two weeks' parental bereavement leave** if they have a qualifying relationship with, and one of the following circumstances occurs:

8.2.1 a child under 18 has died; or

8.2.2 a baby has been stillborn after 24 weeks of pregnancy.

8.3 The two weeks' parental bereavement leave can be taken as:

8.3.1 one week;

8.3.2 two consecutive weeks; or

8.3.3 two separate weeks.

8.4 Parental bereavement leave can be taken at any time during the 56 weeks following the death of the child/baby.

8.5 To qualify for parental bereavement leave, an employee must have one of the following qualifying relationships to the child or stillborn baby:

8.5.1 The employee or their partner are their parent or foster parent;

8.5.2 The employee or their partner have had the child placed with them for adoption (whether by a UK adoption agency or from overseas);

8.5.3 The employee or their partner are their intended parent under a surrogacy arrangement;

8.5.4 The employee is a natural parent of a child who has since been adopted by someone else, and there is a court order allowing the employee or their partner to have contact with the child;

8.5.5 The employee looks after the child in their own home, other than as a paid carer, and has done so for at least four weeks (a parent "in fact").

8.6 If the period of parental bereavement leave is taken in the first eight weeks after a child has died there is no need to give advance notice to take the leave. However the employee should notify their line manager as soon as they can on the day they want the leave to start,

preferably before the time the employee would normally start work, where possible. Someone can do this on the employee's behalf if necessary.

8.7 If the period of parental leave is taken after more than eight weeks the employee must give their line manager as least one week's written notice.

8.8 The School may ask an employee to confirm the following information in writing within 28 days of starting any period of parental bereavement leave:

8.8.1 The date the child died or was stillborn;

8.8.2 The dates of paid or unpaid parental bereavement leave taken; and

8.8.3 The employee's relationship to the child.

8.9 A qualifying employee who is entitled to take statutory parental bereavement leave will be entitled to receive up to a maximum of **two week's Statutory Parental Bereavement Leave Pay (SPBLP).**

8.10 To qualify for SPBLP an employee must:

8.10.1 have at least 26 weeks' continuous employment ending on the Saturday before the child died; and

8.10.2 pay class 1 NI contributions and have average weekly earnings of at least the NI contributions lower earnings limit.

8.11 SPBLP is paid in the same way as an employee's usual pay and is payable at the lower of the set weekly rate or 90% of average weekly earnings. SMBLP is subject to the usual PAYE deductions.

8.12 An employee claiming SPBLP must give the School notice, specifying the week or weeks in respect of which SPBLP is being claimed, either:

8.12.1 before the start of the SPBP period; or

8.12.2 no more than 28 days after the first day of the period

8.13 The employee must also give the School a written statement confirming:

8.13.1 the date the child died or was stillborn; and

8.13.2 the employee's relationship to the child.

8.14 Any additional request for parental bereavement leave would be considered under paragraph 8 below.

9 DISCRETIONARY RIGHTS

9.1 In addition to the statutory right to dependant's leave, time off for public duties and parental bereavement leave the School also has discretion to allow additional time off, with or without pay, in the following scenarios:

9.1.1 compassionate leave;

9.1.2 bereavement leave or to attend a funeral of an immediate family member

9.1.3 Hospital appointments for yourself or a dependant

9.1.4 Your own graduation ceremony;

9.1.5 another absence similar to those listed above.

9.2 If leave is granted it will be at the absolute discretion of the School if this is with or without pay.

9.3 Additional time off may be granted, without pay in the following scenarios:

9.3.1 To move house

9.3.2 To attend the graduation of a family member

9.3.3 Attending the funeral of someone not an immediate family member

9.4 The School may allow a combination of paid and unpaid leave in its absolute discretion depending on the circumstances.

10 RELIGIOUS OBSERVATION LEAVE

10.1 The School is committed to promoting equality of opportunity and promoting diversity. As such the School recognises that not all of its employees will share the same religious or cultural beliefs. This policy is intended to provide guidance on how the School will deal with requests regarding religious observance.

10.2 As an education provider the School recognises that its employees are predominantly required to take annual leave during periods of School closure or on UK statutory days that are based upon religious occasions derived from the Christian faith holidays and traditional bank holidays. To embrace a diverse workforce, the School accepts that not all employees share the same religion or beliefs and hence not the same occasions of celebration or remembrance. As such the School recognises that employees may wish to take leave in order to participate in occasions marked by the practice or customs of their own faith and will therefore seek to support requests for such leave in accordance with the terms of this policy and subject always to the School's ability to release employees without an adverse impact on service delivery.

10.3 The School will apply this policy in accordance with the terms of the Equality Act 2010 under which it is unlawful to discriminate against individuals because of their religion, religious belief or similar philosophical belief.

11 TIME OFF FOR RELIGIOUS OBSERVANCE

11.1 When requesting time off for religious observance requests should be made in writing and submitted to the Principal/Head Teacher.

11.2 Requests for such leave should be made well in advance of the date of the absence requested and should include reasons for the request which make clear why the leave cannot be taken during a normal School closure period, and the dates and length of the period of leave of absence requested.

11.3 The Principal/Head Teacher will give serious consideration to requests for time off for the purposes of religious observance. However, if reasonable notice is not given, or if granting the request would make service delivery impossible there may be no choice but to refuse the request.

11.4 Employees who wish to take time off for religious observance will be entitled to make requests as follows:

11.4.1 Teachers and Support Staff on Term Time Contracts

11.4.1.1 Teachers and Support Staff may request to be released from their duties for up to three days per academic year for attendance at a religious ceremony or observation of religious festival which the individual is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church / mosque / synagogue / temple / religious place of worship or religious order.

11.4.1.2 Where the Trust is in a position to accept requests for leave in accordance with this entitlement the leave granted will be with pay.

11.4.2 Support Staff on All Year Round Contracts

11.4.2.1 All year round staff with restrictions placed upon when such leave can be taken are also permitted to request to be released from their duties for up to three days per academic year for attendance at a religious ceremony or observation of religious festival which the individual is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church / mosque / synagogue / temple / religious place of worship or religious order.

11.4.2.2 All year round staff can use their contractual annual leave entitlement for the purposes of time off for religious observation and should not therefore be granted additional paid leave for this purpose.

11.5 Any requests for periods of leave in excess of the days stated in paragraph 11.4. will be considered on a case-by-case basis. There may be justification in certain circumstances for extended leave for religious pilgrimage. Any such period which is granted will normally be without pay.

12 ABUSE OF THE POLICY

12.1 Where it is possible to do so in advance or when an employee returns to work after taking time off under this policy, the School might ask them to provide evidence for the reasons for taking the time off.

12.2 Suspected abuse of this policy will be dealt with as a disciplinary issue under the School's Disciplinary Policy).