



Hove Park School
"Together We Achieve"

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Email: office@hovepark.org.uk

Mr Jim Roberts- Headteacher

Special Leave of Absence Policy – Hove Park School

1. Introduction and Purpose

The provisions outlined in this policy serve as a guide to the headteacher and the governing body in determining fair and reasonable practices for granting staff leave of absence and is intended to build on the good practice that already exists in many schools. For the purpose of this policy "Leave of absence" is defined as leave given in addition to annual leave and may be paid or unpaid.

The policy aims to maintain consistent, positive practices to minimise the negative effects of absence on pupil's learning and the imposition of increased pressure on colleagues. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.

This school believes, as an organisation committed to providing equal opportunities for all, it should support flexible working practices. It seeks to help employees balance the demands of domestic and work responsibilities, particularly at times of urgent and unforeseen need, providing paid or unpaid leave as appropriate.

Where possible, a flexible approach will be adopted to enable staff to meet these different demands. This will only be achieved if staff also recognise their responsibilities with regard to making reasonable adjustments to working hours and using annual leave where circumstances allow.

2. Scope

This policy will be applied to all employees of the school. The policy covers the provision of paid or unpaid leave requested under the following categories:

- Statutory Leave (e.g. emergency carer leave) and additional discretionary leave scheme
- Leave for Public Duties (e.g. governing body duties and jury service)
- Other Leave (e.g. medical appointments and compassionate leave alongside contractual entitlements)



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This policy does not cover periods of absence for sickness, maternity/adoption leave, maternity support leave (including paternity leave), parental leave, flexible working or adverse weather. Separate policies outline these provisions but links to these are available at section 12 of this policy. Detailed arrangements for study leave are also outside the scope of this policy.

The provisions of this scheme will apply on a pro-rata basis for employees on temporary, part-time or job-share contracts (e.g. where 0.5 FTE read 5 days as 2.5 days). All references to a year relate to a leave/financial year running from 1 April – 31 March.

3. References

This policy accords with the NJC National Agreement on Pay and Conditions of Service for local authority staff ('green book') and those national conditions applicable to teachers under the 'burgundy book'. The policy also recognises the 'local' conditions of service that have been agreed for Council staff and interprets how they should be applied to school based staff. These amendments have been agreed by school union and staff association representatives.

4. Making Applications and Considering Requests

When considering requests for leave of absence which require discretion to be exercised, the headteacher, deputy headteacher, Human Resources or chair of governors should have regard to fairness and consistency with all categories of staff within the context of:

- the operational needs of the school;
- the individual needs of the person concerned;
- the length of time requested;
- the amount of notice given.

Requests for leave of absence should always be made in advance in accordance with any appropriate application process. Such requests would not relate to INSET which is a management matter.

All applications under this policy should be made using the generic leave of absence application form shown at appendix 1.

Governing bodies/HTs may accept that completing an application form may not always be possible when absence relates to a sudden domestic emergency. However the employee would be



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expected to notify the school as soon as possible of the reasons for his/her absence and retrospectively complete a form for recording purposes.

Where the headteacher has requested leave of absence, the chair of governors or other nominated governor/committee will consider the request.

5. Right of Appeal

Any appeals arising from the headteacher's decision in relation to leave should be made to the governing body through the school's grievance procedure. In the case of a headteacher appeal it will be heard by the grievance appeals committee in line with the school's grievance procedure. See section 6 below for details on appeals if functions have been delegated by the headteacher.

6. Terminology and Delegated Functions

Throughout this policy, the decision to approve discretionary absences and special leave sits with the headteacher and Human Resources. Where the decision has been delegated any appeal may be made to the headteacher in line with the school's grievance procedure.

7. DISCRETIONARY SPECIAL LEAVE (statutory plus additional 'local' discretionary special leave)

It is recognised that there is a statutory entitlement to unpaid time off to attend to urgent matters related to dependants (Employment Relations Act 1999). This policy reflects the B&H City Council Discretionary Special Leave scheme extending this entitlement on a discretionary basis to leave with pay under the headings listed below.

7.1 Domestic Incident/Time off for Dependants

7.1.1 Introduction

There will occasionally be urgent domestic situations which will require our employees' immediate attention. It is the purpose of this scheme to provide additional support by way of immediate paid time-off for employees who have to cope with domestic emergencies. There are two elements to this policy. One is to support employees with carer responsibilities as part of our commitment to



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providing a family friendly working environment. The other is to support employees who are experiencing a crisis in their personal lives.

Employees should only make applications under this scheme when circumstances arise which demand their urgent attention and it is not possible/appropriate to make alternative arrangements.

7.1.2 General Principles

Discretionary Special Leave is not an extension of annual leave entitlement. It is a separate policy and can be monitored in the same way as sickness absence. Therefore, there is an expectation that employees will not only minimise the length of the absence but also the frequency of applications. Where possible employees are expected to use annual leave or agreed flexitime/time off in lieu time to cover known carer commitments, e.g. school holidays, pre-booked medical/dental appointments.

Applications for Discretionary Special Leave will, because of their very nature, need to be dealt with immediately. Therefore, the headteacher, deputy headteacher, or their nominee, can approve requests on the telephone (subject to assessing the request against school needs). A formal interview will take place upon the employee's return (in the same way as sickness absence).

In **considering an application** the headteacher, deputy headteacher, or Human Resources will ascertain the reasons for the request, the steps taken by the employee to deal with the situation and the likely **length of the absence**. The headteacher, deputy headteacher, or Human Resources will also need to assess the request against the operational needs of the school. On the basis of this information the headteacher, deputy headteacher, and Human Resources will have the discretion to grant Discretionary Special Leave of **up to five days in any leave year**. In special circumstances a **further five days** Discretionary Special Leave (totalling **ten days** in any one leave year) to enable an employee to deal with emergency situations and urgent complex domestic situations may be granted by the appropriate committee of/individual from the Governing Body (with advice from Human Resources). Payment will be calculated as for annual leave.

In **exceptional cases**, the Full Governing Body may approve Discretionary Special Leave beyond ten days, in consultation with the AD, Head of Human Resources. In the rare circumstances that any period of unpaid leave is considered, this decision should also be made in consultation with HR as there will be an impact on payroll and pension arrangements (any period of unpaid leave would



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normally not exceed a period of one month).

All applications made under this policy will be **monitored** by Human Resources. The identity of the individual applicants and details of the reasons for Discretionary Special Leave will be confidential.

Where a headteacher has agreed that an employee may carry forward outstanding leave to the next leave year, the number of days will be reduced by the amount of leave granted under this policy (this is only applicable to staff who work full year with leave i.e. not term-time).

7.1.3 Definition of Dependant/Carer Relationship for the purpose of applying for Discretionary Special Leave

For the purpose of this scheme an employee will be regarded as having a carer role where the dependant is an adult or child:-

- who lives in the same household as the employee and who is directly dependent upon the employee for financial/domestic support or who becomes dependent when ill.
- who lives separately but who at times of illness requires domestic support from the employee because no other arrangements are available.

The carer need not be related to the dependant but the employee must satisfy the school that he/she has a principal permanent care role.

7.1.4 What constitutes an Emergency Situation?

Discretionary Special Leave cannot be granted where the circumstances are known in advance and the employee could reasonably have been expected to plan to meet such a commitment (by use of annual leave or flexitime where applicable). The emergency situation must be such that it was unknown and unforeseen and for which pre-planning would have been impossible or impractical. Examples of where Discretionary Special Leave may be granted are as follows: -

- child care arrangements are unexpectedly withdrawn
- the dependant is unwell
- the school or nursery is unexpectedly closed

It will not be granted where:-



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- the childminder is on holiday or the school/play scheme is closed for the holiday
- appointments with the hospital, doctor and dentist which have been planned in advance.

Human Resources and/or the Headteacher may ask for documentary evidence from Day One if they have concerns about the request, e.g. Doctor's certificate in respect of the dependant.

Guidance on Sick Children. It is recognised that it can be difficult for working parents to respond to the need to care for sick children. Staff have a statutory right to unpaid time off to make arrangements for the care of a dependant child as outlined above.

It is important to understand the distinction that this statutory entitlement is only for unpaid time off to make other arrangements to care for a dependent child, rather than providing care directly for that child. This policy allows paid time off but it is expected that it should not normally be necessary to take more than one day on each occasion. There is no contractual or statutory entitlement for time off, paid or unpaid, to provide direct care for a sick child. For seriously ill children please refer to Section 9 below including compassionate leave arrangements.

It is therefore important that staff have appropriate arrangements in place to care for sick children. In exceptional circumstances, Human Resources and/or the headteacher may agree that a member of staff may take reasonable unpaid leave to care for a sick child.

7.1.5 What constitutes a Complex Domestic Situation?

Complex domestic situations occasionally occur which result in employees requiring immediate time off. An employee may not be able to concentrate on their work because of his/her complex domestic situation and a short period of time off may help the employee to cope with the situation. Examples could be:-

- Employees experiencing the break-up of a personal relationship
- Employees experiencing domestic violence
- Employees whose partners or close family have a terminal illness

Where the complex domestic situation has affected the employee's health and rendered him/her unfit for work then any absence will be regarded as sickness absence and the sickness absence policy will apply.

7.1.6 How to apply for Discretionary Special Leave



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As soon as time off is required the employee must use the absence request form on HPS digital to explain the reasons for the request (*see section 4 and 5 above and Appendix 1 for the leave application form*)

Where an application for a period of Discretionary Special Leave is approved the onus is on the employee to maintain contact with Human Resources and/or the headteacher during the absence. It is particularly important for operational reasons that he/she is kept abreast of changing circumstances.

If the headteacher, in consultation with Human Resources, does not approve an application for Discretionary Special Leave then he/she should consider whether or not to grant annual leave, flexi-leave or unpaid leave to enable the employee to take the time off if this is possible.

8. LEAVE FOR PUBLIC DUTIES

Members of staff considering taking up any of the following public duties should discuss the implications with the headteacher/Human Resources and provide evidence. There may be occasions when it will not be possible to approve time off because of the operational needs of the school. Leave is on a pro rata basis for part time staff.

8.1 Jury Service

On receipt of a summons to serve on a jury, an employee must report the fact to his / her headteacher and Human Resources, who shall grant paid leave of absence unless exemption is secured. An employee serving as a juror shall claim the allowance for loss of earnings to which they are entitled under the Juror's Allowance Regulations currently in force. The School will then deduct the amount claimed from the employee's pay. These provisions also relate to witnesses at court.

8.2 Public Duties

Paid leave of absence, not exceeding 13 days in any one year, may be granted for employees involved in the following defined activities:

- attendance, as a member, at meetings of a local authority or other body, including managing /governing bodies of schools
- service as a justice of the peace (magistrate);
- attendance at a court of law as a witness for any cases involving the Council, or arising



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out of any activity conducted for the Council. Court appearances in this context would include all courts, criminal or civil, coroners' courts or courts of enquiry, employment tribunals and any necessary interviews in connection with proceedings. This provision should apply whether the employee in question is a party to the proceedings or simply as a witness. Time off with pay should also be allowed where an employee has been summoned to appear as a witness in any criminal proceedings or at a coroner's inquest. Evidence of attendance should be provided.

- duties as a retained fire-fighter with East Sussex Fire Brigade;
- attendance at Civil Protection Training courses;
- attendance at police identity parades.

8.3 Leave for accredited representatives of recognised associations and unions

Staff who are also accredited representatives of recognised associations and unions shall be afforded union facilities and rights as agreed between such bodies and Brighton & Hove City Council.

8.4 Service in Non-Regular Forces

Employees who are members of the non-regular forces who attend annual camp should be granted one week's leave with pay.

9. OTHER LEAVE (INCLUDING COMPASSIONATE LEAVE)

Leave is subject to the conditions outlined in section 4 above. Leave is on a pro rata basis for part time staff however, in certain circumstances, pro rata arrangements may not be appropriate e.g. bereavement leave.

9.1 a) Bereavement - Death of member of immediate family

Up to five days paid leave may be granted at the discretion of the headteacher and/or Human Resources to cover the death of an immediate family member (e.g. husband, wife, son, daughter, partner) or the death of either parent of the employee, wife, husband or partner. If more than five days are needed, it may be appropriate to grant leave under Special Discretionary leave provisions in Section 7 above or award unpaid leave.

It is recognised that further support may be needed, such as counselling or Occupational Health referral.



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b) Bereavement - death of family/friends other than above

Up to two days' paid leave of absence will be granted at the discretion of Human Resources / headteacher.

9.2 Serious illness of near relative spouse or child

Up to five days paid leave of absence will be granted at the discretion of Human Resources / headteacher.

9.3 Religious festivals

Up to 2 days leave will be allowed on request (subject to reasonable notice) where festivals fall within term-time. This will be paid leave for teachers. Any additional time required (up to a maximum of 5 days) will be unpaid unless annual leave or time in lieu can be arranged. N.B. for support staff two concessionary days for religious observance are contained with their paid leave entitlement. Leave is arranged at the discretion of Human Resources / headteacher.

9.4 Leave to attend significant personal events

a) Significant social events

The Governors recognise that from time to time staff may have the opportunity to attend a significant social event during term time. For example, the graduation ceremony for a son or daughter or the wedding of a close family member.

Teachers and term time only staff do not have a leave allowance, which can be taken during term time. This policy enables staff to take one day of unpaid leave in order to attend a significant social event if time in lieu cannot be used. Staff must seek the express permission of the Headteacher / Human Resources for leave in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Headteacher / Human Resources will need to refuse a request for leave.

b) House removal

One day's paid leave of absence on the day of the house move, if this falls during term time, in any one academic year (paid for term-time only staff).

c) Absence for job interview



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Paid leave of absence as appropriate (maximum of two days), where agreed in writing with the Headteacher.

d) Participation in international sporting, cultural and similar events

Leave with or without pay may be granted for the necessary period of absence at the discretion of the governing body upon the recommendation of the headteacher.

e) Additional holidays

Requests for leave of absence (either paid or unpaid) for reasons of accompanying a spouse/partner on holidays, foreign business trips and functions will not be granted. The only exception to this that might occur is if the holiday has been booked in advance of the employee taking up employment and the school has been notified in advance or a change has been made to the school's calendar, in which case the leave would be unpaid.

9.5 Medical related appointments

a) GP/Dental appointments

Routine GP/dental appointments should be taken outside school hours.

b) Consultant/hospital appointments

Recognising there is less flexibility for hospital/specialist appointments, paid leave of absence will be given should the appointment fall at a time when the individual would normally be working. This does not apply to medical appointments for treatment of children or other relatives (schools may consider the use of compassionate leave here - see 9.2 above).

c) Health Screening

Time off with pay will be allowed to attend appointments for cancer screening or other potentially life-threatening conditions if the appointment cannot be made outside of the school day. However, Human Resources must be notified in good time or as soon as possible after making the appointment so that arrangements can be made to ensure cover if needed.

d) Antenatal appointments

Staff are entitled to paid time off to attend ante-natal appointments; however, where possible, they are expected to arrange such appointments at times convenient to both themselves, colleagues and the school. Reference should also be made to the Maternity Leave/Pay Policy.

e) IVF appointments



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Employees should discuss the requirements of their treatment with Human Resources and the headteacher as soon as possible to agree how the appropriate time off may be accommodated within work patterns and workload requirements. Although there is no statutory obligation to allow time off for IVF treatment, the school will grant paid leave to cover the first specialist appointment. Further time off may be granted through a combination of flexible working and unpaid leave. If the effects of the treatment result in absence from work, this should be dealt with under the Sickness Absence Policy for School Staff.

For any other appointment in working time, staff will be required to use lieu time, make up the time or take annual leave by agreement with the headteacher.

9.6 Parliamentary candidates

Leave without pay will be granted from the date when the candidate's nomination is accepted until the date of election (refer to HR for full details).

9.7 Examination Leave

Leave with pay on the day of the examination, plus leave with pay up to the equivalent of one day's leave per day of examination for final revision purposes, at the discretion of the headteacher / Human Resources. Where this relates to Performance Management objectives, agreement should be sought in advance by the Performance Manager and recorded in the Performance Management Statement.

9.8 Examiners' meetings (teachers only)

Chief examiners and moderators - up to 10 school days' leave with full pay in any one financial year. Assistant examiners and moderators - up to five school days' leave in any one financial year. Approval would be subject to reimbursement to the school by the Examination Board for salary costs. Employees should discuss the implications of the above with the headteacher.

9.9 Secondment for other paid employment

The governing body, upon the recommendation of the headteacher or at the request of the LA will consider requests for secondment.



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10. ABSENCE FOR ANY OTHER REASON

There may be other exceptional situations not covered by this policy in which the head teacher may wish to grant paid leave at his or her discretion. Subject to relevant Conditions of Service, a member of staff who is absent without having first secured approval from the HT or Governing body shall not be entitled to receive any pay for the day(s) on which he/she is away on unauthorised absence. Employees who take unauthorised absence will be subject to disciplinary action which could result in dismissal.

11. COSTS AND FUNDING

In general the cost of the leave of absence is borne by the school budget unless otherwise stated. Where the schemes provide for discretion to be exercised, this is a matter for the Headteacher and/or the governing body, as appropriate.