

The GALLERY TRUST



A community of special schools

Emergency, Discretionary and Special Leave Policy

Date of policy	April 2024
Date of review	April 2026
SLT Lead	Interim COO
Signed: Chief Executive Officer	 _____
Chair of Trustees	 _____

This policy covers:

- **Emergency Leave** – time off to deal with unforeseen emergency events involving a dependent.
- **Discretionary Leave** – time off for other urgent or personal events.
- **Special Leave** – time off for public duties e.g. Jury Service, Volunteer Reservists, Election Duties.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

Emergency Leave

There are times when employees have unforeseen emergency situations, outside of work, that need their urgent personal attention.

On these occasions employees may need time off to deal with the immediate crisis.

All employees are entitled in law (Employment Rights Act 1996) to unpaid time off work to deal with an emergency involving a dependent.

The amount of time an employee is entitled to take is whatever is necessary to:

- a. provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
- b. make longer term care arrangements for a dependent who is ill or injured;
- c. deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent; and/or
- d. deal with an unexpected incident involving your child while at school or another educational establishment.
- e. take action required in consequence of the death of a dependent.

A few hours absence may be adequate or up to one or two days depending on the circumstances.

A dependent is defined as:

- your spouse, civil 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

The number of days taken as emergency leave will be monitored. It is recognised that the majority of those working in schools 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, employees working in schools may be paid for time off in certain situations. The CEO/Head of

Establishment has the discretion to decide whether or not to grant paid time off. In the case of the Head Teacher, the Chief Executive Officer has discretion to decide whether or not to grant paid time off. Emergency leave will not exceed more than 3 working days in any one rolling year unless at the Head Teacher's / CEO's discretion.

Requesting Emergency Leave

Unless there are exceptional circumstances preventing the employee from doing so, all requests for time off must be made in advance to give the Head Teacher time to consider the request before the intended absence. Requests must be submitted on the "Request for Emergency Leave" form. As much detail as is reasonable should be provided to assist the Head Teacher in considering the circumstances of the request.

If an emergency does arise and the employee is unable to let the Head Teacher know before taking the leave, they must let the school know as soon as practicable, by telephone following the procedure for reporting sickness absence. If the situation arises during the school day, a member of SLT must be informed. Full details of the circumstances must be provided along with the amount of time the employee anticipates he/she will be absent. The Head Teacher will confirm whether Emergency Leave applies and make an initial assessment of the appropriate amount of time off. The "Request for Emergency Leave" form must be completed retrospectively and submitted to the Head Teacher.

Discretionary Leave

Employees are expected to take all reasonable steps to avoid having to take leave during the school day. Employees should recognise the impact of their absence on teaching and learning and the operational needs of the school, and only request discretionary leave when it is absolutely necessary and no alternative steps can be taken. However, from time to time, employees may request time off where it has not been possible to arrange events outside the normal working day. Head Teachers will take a number of factors into account when considering discretionary leave requests.

Medical appointments

Appointments for routine medical or dental checks or treatment must be made outside of working hours.

Agreement may be given for employees to take paid time off during the school day for emergency medical treatment and hospital appointments but each case will be judged according to its circumstances and urgency. The decision to award paid leave for medical treatment is at the discretion of the Head Teacher. Permission must be agreed in advance with the Head Teacher. A copy of the medical or dental appointment card or hospital letter must be provided with the request (if possible). If the absence relates to a known medical condition, the

appointment letter may not be required on subsequent occasions. Information regarding the nature of the appointment can be redacted by the employee to preserve confidentiality.

Particular and careful consideration will be given to those employees with disabilities who need to attend medical appointments that fall within the school day. It is noted in the Managing Sickness Absence Policy: paragraph 40: *The school recognises that disabled employees, (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 employee 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.*

Other discretionary leave requests

If other discretionary leave is granted following an application to the Head Teacher, it will be on an unpaid basis. However, the Head Teacher has the discretion to permit one day per rolling year on a paid basis. This discretion is not an entitlement or contractual benefit.

Requests for leave of absence for certain urgent or personal reasons may be considered, for example:

- Weddings
- Moving house
- Attending a funeral (which is not covered under Emergency Leave)
- Attending a religious festival
- Playing representative games e.g. for the County
- Graduation ceremony
- Attending the graduation ceremony of a dependent

Study Leave

Requests for study and examination leave may also be considered where the studies are relevant to the employee's role. In addition to the discretion to provide unpaid study leave, there is discretion to provide paid leave if the study is a prerequisite for the role.

Requesting Discretionary Leave

An employee must make a request for discretionary leave at the earliest opportunity and at least 3 working days in advance on the "Request for Discretionary Leave" form giving full details of the circumstances and the time required.

The Head Teacher will confirm whether discretionary leave is granted.

Adverse Weather and/or Disruption to Travel

Individual employees have a responsibility to attend work. If an employee fails to attend work due to adverse weather or lack of transport he/she is not entitled to receive pay. However, this does not mean that pay will automatically be deducted.

In practice, if weather conditions are very poor or there is significant disruption to travel and the establishment is open, each employee will need to consider travelling conditions for his/her journey to work. If some employees do not attend work the Head Teacher will wish to satisfy him/herself that the employee had a good reason and could not reasonably have been expected to get to work. In these circumstances it may be agreed that members of staff will work at home and be paid as normal.

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

Special Leave

The Employment Rights Act 1996, gives employees the right to reasonable unpaid time off during working hours to carry out certain public duties. Public duties include being a Justice of the Peace (Magistrate), a school governor or a member of a local council. Information is available at <https://www.gov.uk/time-off-work-public-duties>

Requesting Special Leave

An employee must make a request for Special Leave at the earliest opportunity giving full details of the circumstances and the number of days required.

The Head Teacher will confirm whether Special Leave is granted.

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

- what the employee's duties are
- the time needed to carry them out
- the impact on the academy
- the amount of time off already taken for public or trade union duties

Jury Service: An employee receiving a summons to serve on a jury must inform the Head Teacher who will grant paid leave of absence unless an exemption is secured. All employees should claim the financial loss allowance from the court. An equivalent amount will subsequently be deducted from their pay.

Employees will be issued with a claim form by the court.

Employees' Responsibilities

All employees should be aware of the provisions of this policy.

Suspected abuse of this Policy will be dealt with as a disciplinary issue under our Disciplinary Procedure.

Head Teacher Responsibilities

- Ensure all employees are aware of this policy and know who they should contact when emergencies arise and how to apply for emergency, discretionary and special leave.
- Gather the necessary information needed from employees to consider applications for leave and communicate decisions, usually in writing within five working days of receiving applications for time off.
- Ensure there are proper records of the consideration of all requests for time off and that a copy is placed on the individual's personal file on each occasion. This will include retrospective consideration in cases of emergency.

Keeping in Touch

Employees and their manager should keep in touch during the absence. In particular employees taking emergency leave should keep managers informed of any changes to their situation on a regular basis.

Longer Periods of Leave

The Head Teacher may approve additional unpaid leave up to a maximum of 12 months.

Other Relevant Policies

Paternity Leave;
Maternity Scheme for Teachers;
Maternity Scheme for Support Staff;
Parental Leave Scheme;
Managing Sickness Absence;
Facilities Agreement for Union Representatives;
Disciplinary policy

Example scenarios

Emergency leave	Legal entitlement to unpaid leave	Head Teacher's discretion for paid leave
Unforeseen emergency situations, outside of work, that needs urgent personal attention, involving a dependent. This could include the unexpected breakdown of care arrangements for a dependent/death of a dependent/an emergency incident involving your child during school hours	Yes	Up to 3 days in any one rolling year In exceptional circumstances this may be extended by a further 5 days paid or unpaid at the discretion of the Head Teacher
Medical appointments during the school day	No	The decision to award unpaid or paid leave for emergency medical treatment is at the discretion of the Head Teacher
Discretionary Leave	Legal entitlement to unpaid leave	Head Teacher's discretion to grant unpaid leave Head Teacher's discretion to grant unpaid or paid leave Head Teacher's discretion to grant 1 day in any one rolling year
Moving house	No	
Weddings		
Religious festivals		
Playing representative sport		
Graduation ceremony – dependent or own		
Study leave		
Other request		

Request for Emergency Leave

Please complete this form and return it to the Head Teacher in advance unless an emergency situation prevents this, in which case the form should be completed and submitted retrospectively

Name:			
Reason for requesting emergency leave:			
Date of emergency leave:			
Time of leaving school	Time of returning to school:	Number of hours absent:	
Employee's signature:		Date:	
Emergency leave authorisation			
Signed:	Approved Yes / No	Date:	
Added to school diary		Payroll informed of unpaid leave	
Employee informed		Emergency leave spreadsheet updated	

Request for Discretionary Leave

Please complete this form and return it to the Head Teacher. Requests for Discretionary leave must be made in advance.

Name:			
Reason for requesting discretionary leave:			
Date of discretionary leave:			
Time of leaving school	Time of returning to school:	Number of hours absent:	
Employee's signature:		Date:	
Discretionary leave authorisation			
Signed:	Approved Yes / No	Date:	
Added to school diary		Payroll informed of unpaid leave	
Employee informed		Discretionary leave spreadsheet updated	

Request for Special Leave

Special leave – time off for public duties

Please complete this form and return it to the Head Teacher in advance

Name:			
Reason for requesting special leave:			
Date(s) of special leave:			
Time of leaving school	Time of returning to school:	Number of hours absent:	
Employee's signature:		Date:	
Special leave authorisation			
Signed:	Approved Yes / No	Date:	
Added to school diary		Payroll informed of unpaid leave	
Employee informed		Special leave spreadsheet updated	