

EMERGENCY AND SPECIAL LEAVE SCHEME

1. Introduction

1.1 This policy has been drawn up based on the Oxfordshire Model Policy dated December 2012 following consultation with all the recognised Trade Unions and Associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.

1.2 Further advice and support on the application of the policy is available from the Schools' HR team by telephone: 01865 797588 or email: schoolshr@oxfordshire.gov.uk

2. Scope

2.1 This policy applies to all employees working in schools. It should be read in conjunction with other relevant documents, e.g. "Conditions of Service for School Teachers" (Burgundy Book), the "National Agreement on Pay and Conditions of Service" for support employees (Green Book) and the school's procedure for requesting time off.

2.2 This policy covers:

- **Emergency Leave** – taking time off 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, Election Duties

2.3 Separate policies cover:

Paternity Leave;
Maternity & Adoption Scheme for Teachers;
Maternity Scheme for Support Staff;
Parental Leave Scheme;
Sick Leave;
Union Representatives

3. Emergency Leave

3.1 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.

3.2 All employees are entitled in law (Employment Relations Act 1999) to unpaid time off work to deal with an emergency involving a dependant. The amount of time an employee is entitled to take is whatever is sufficient to make alternative arrangements. One or two days will usually be sufficient. 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

3.3 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 emergency situations.

3.4 The Headteacher, (or the Chair of Governors if it is the Headteacher requesting time off), has the discretion to decide whether or not to grant paid time off.

3.5 A full list of emergency events and the recommended amount of time off that is reasonable for Headteachers and/or Governing Bodies to approve is set out on page 6.

4. Discretionary Time Off

4.1 Employees are expected to take all reasonable steps to avoid having to take time off during the school day. However, from time to time, employees 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

4.2 In these cases, it is recommended that one day can be granted for each event, up to a total of 3 days in a rolling year. See table on page 6.

Study Leave

4.3 Requests for study and examination leave may also be considered where the studies are relevant to the employee'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.

5. Special Leave - Time off for Public Duties

5.1 The Employment Rights Act 1996, gives employees 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 [Time off for public duties: Directgov - Employment](#)

5.2 In accordance with the national terms and conditions for teachers and support staff, employees working in schools can be granted a reasonable amount of paid time off for carrying out these public duties.

5.3 The time off must be agreed by the Headteacher (or the Chair of Governors if it is the Headteacher requesting time off) in advance. A request can be refused if it is unreasonable.

5.4 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 school
- the amount of time off already taken for public or trade union duties

5.5 Jury Service: An employee receiving a summons to serve on a jury must inform the Headteacher who will grant the 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.

6. Dental or Medical Appointments

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

6.2 Agreement may be given for employees to take paid time off during the school day for emergency medical treatment or hospital appointments but each case will be judged according to its circumstances and urgency. Permission must be agreed in advance with the Headteacher. The Headteacher may ask to see the medical appointment card where this is felt to be appropriate.

6.3 Particular consideration will be given to those employees with disabilities who need to attend medical appointments that fall within the school day.

7. Adverse Weather and/or Disruption to Travel

7.1 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 should automatically be deducted.

7.2 In practice, if weather conditions are very poor or there is significant disruption to travel and the school is open each employee will need to consider travelling conditions for his/her journey to work. If some employees do not attend work the Headteacher 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 is reasonable to expect that members of staff will work at home and to pay them as normal.

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

8. Employees' Responsibilities

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

8.2 Employees will be 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

The number of days taken as emergency leave will be monitored.

8.3 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 Headteacher time to consider the request before the intended absence. As much detail as is reasonable should be provided to assist the Headteacher in considering the circumstances of the request.

8.4 If an emergency does arise and the employee 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 school's procedure. Full details of the circumstances must be provided along with the amount of time the employee expects to be absent. The Headteacher will confirm whether Emergency Leave applies and make an initial assessment of the appropriate amount of time off and whether it is paid or unpaid.

8.5 Requesting Special or Discretionary Leave

An employee must make a request for Special or Discretionary Leave at the earliest opportunity in accordance with the school's procedure, giving full details of the circumstances and the number of days required.

8.6 The Headteacher will confirm whether Special or Discretionary Leave is granted and whether it is paid or unpaid.

8.7 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.

9. Headteacher/Governing Body Responsibilities

9.1 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. Forms for requesting leave are included on pages 7 and 8.

9.2 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.

9.3 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.

10. Longer Periods of Leave

Governing bodies may approve additional unpaid leave up to a maximum of 12 months.

11. Other Relevant Policies

Paternity Leave;

Maternity & Adoption Scheme for Teachers;

Maternity Scheme for Support Staff; Adoption Scheme for Support Employees Parental Leave Scheme;

Sick Leave;

Facilities Agreement for Union Representatives

Further advice and support is available from the Schools' HR team by telephone: 01865 797588 or email schoolshr@oxfordshire.gov.uk

12. Policy Review

This policy will be reviewed by the Governing Body Personnel Committee in 3 years, or earlier if circumstances dictate.

24 September 2013

Reason for Emergency Leave	Legal Entitlement to unpaid leave	Headteacher/Governing Body Discretion for Paid Leave (recommended)
<p>Illness of a dependant</p> <p>- 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.</p>	Yes	<p>Up to 5 paid days in any one rolling year.</p> <p>Up to 5 days at any one time (pro rata for part time staff) depending on circumstances</p> <p>In exceptional circumstances this may be extended by a further</p>
<p>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.</p>	Yes	<p>5 days paid or unpaid (pro rata for part time staff) at the discretion of the Headteacher or Governing Body.</p>
<p>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</p>	Yes	
<p>Dealing with a burglary, flood or fire at your home</p>	No	1 or 2 days paid or unpaid
<p>To deal with an emergency incident involving your child during school hours</p>	Yes	1 or 2 days paid or unpaid
<p>Attending the funeral of other relative or friend</p>	No	Up to 1 day paid leave, any extra time unpaid
<p>Discretionary Paid or Unpaid Time Off - may be agreed for the events below (this list is not exhaustive)</p>		
<p>Moving house</p>	No	1 day paid leave
<p>Wedding of relative/friend</p>	No	<p>Immediate family – up to 3 days paid leave. Other family or friend – up to 3 days unpaid.</p>
<p>Religious festivals</p>	No	Up to 3 days paid leave in one rolling year total
<p>Playing representative sport</p>	No	At Headteacher's discretion – will depend on the level
<p>Study and exams for qualification – where agreed and relevant to work</p>	No	Paid leave normally only for examination days
<p>Seeing relatives off abroad</p>	No	Unpaid, unless in exceptional circumstances
<p>Graduation ceremony – dependant or own</p>	No	

Request for Emergency Leave

Complete and sign this form and return it to the Headteacher.

Requests for time off must 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 Pay and Employment Information Team to ensure that the employee 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:			
Employee's signature:			Date:
Emergency Leave Approval			
Paid		Unpaid	
Signed:			Date:

A copy of this form should be retained in the employee's file.

Request for Discretionary or Special Leave

Complete and sign this form and return it to the Headteacher.

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 Pay and Employment Information Team to ensure that the employee 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):	
Total number of working days:			
Total 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 Special or Discretionary Leave:			
Employee's signature:		Date:	
Special / Discretionary Leave Approval			
Your request for leave is agreed / not agreed (<i>delete as appropriate</i>)			
Paid		Unpaid	
Signed:		Date:	

A copy of this form should be retained in the employee's file.