





Emergency, Discretionary & Special Leave Policy

THIS POLICY WAS AGREED BY TRUSTEES ON (Date):	3rd July 2024
REVIEW DATE:	July 2028
CHAIR OF TRUSTEES:	
CEO:	

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Introduction

This policy has been adopted by the Board of the EPA for use in its schools and the central team. It has been drawn up following consultation with the recognised trade unions and associations: ASCL, NAHT, NASUWT, National Education Union and Unison.

This policy applies to all employees working in schools and the central team. 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.

Advice and support on the application of this policy is available from the EPA's HR Team.

Definitions

The term 'relevant body' has been used throughout this policy. In most circumstances the relevant body is the Local Governing Body of the school. For issues in relation to the central team, the relevant body is the Directing Board.

The term 'Headteacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team or line managers as appropriate.

Consistency of treatment and fairness

EPA Trust is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation, i.e. Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and Equalities Act 2010.

Particular care should be taken to ensure consistency of treatment and fairness across all of the schools in the Trust.

Monitoring and evaluation

The relevant body and head teacher are responsible for monitoring the operation and effectiveness of this policy on a day-to-day basis.

Emergency, discretionary, and special leave policy

Purpose and scope

1. This policy provides a fair and consistent framework for managing employee requests for leave during working time.
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, etc.
 - Carer's Leave - taking planned time off to care for a dependent with long term needs
3. There are separate policies for managing employee sickness absence and other types of planned leave, including: Parental Leave; Maternity; Paternity; Shared Parental Leave and time off for accredited Union representatives.

Emergency leave

4. There are times when employees have unforeseen emergency situations, outside work, that need their urgent personal attention. On these occasions employees may need time off to deal with the immediate crisis.
5. 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.
6. A dependant is defined as:
 - your spouse, partner, child, grandchild, parent or someone who depends upon you for care;
 - 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.
7. 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.

8. The Headteacher, or the Chair of the relevant body if it is the Headteacher requesting time off, has the discretion to decide whether or not to grant paid time off.
9. A list of emergency events and the recommended amount of time off that it is reasonable for head teachers and/or relevant bodies to approve is set out in Annex A.

Discretionary time off

10. 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 – if the day of the move is a working day
 - Attending the wedding of relatives or friends
 - Attending funerals not covered by emergency leave
 - Religious festivals
 - Playing representative games e.g. for the County
 - Attending a graduation ceremony – the employee's or that of a dependant
11. In these cases, it is recommended that one day can be granted for each event, up to a total of three days in an academic year. See table in Annex A.

Study leave

12. 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 work-related qualification. Paid leave may be agreed for up to three days during an academic year, including days for examinations.

Special leave – time off for public duties

13. 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 in Time off work for public duties on the GOV.UK website.

14. 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.
15. The time off must be agreed by the Headteacher or the Chair of the relevant body if it is the Headteacher requesting time off, in advance. A request can be refused if it is unreasonable.
16. 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

Jury service

17. 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 for loss of earnings from the court. An equivalent amount will subsequently be deducted from their pay. Employees will be issued with a claim form by the court, this must be given to the Headteacher who will arrange for loss of earnings information to be completed as required.

Carer's Leave

18. Carer's leave applies to all employees from the first day of employment and is intended to allow the individual to plan to provide or arrange care for a dependant with a long-term care need. This leave is paid for up to 5 days in a 12-month rolling period.
19. A "long-term care need" is defined as an illness or injury (either physical or mental) that requires or is likely to require care for more than three months, a disability under the Equality Act 2010, or issues related to old age
20. The definition of "dependant" mirrors the definition used for the emergency (unplanned) right to time off for dependants. This includes a spouse, civil partner, child, parent, a person who lives in the same household as the employee (other than by reason of them being their employee, tenant, lodger or boarder), or the wider catch-all provision, of a person who reasonably relies on the employee for care.
21. This leave differs from Emergency Dependants Leave as this is a planned absence.
22. Employees using the leave must take a minimum of half a working day at a time; a working day meaning the employee's usual working pattern. This does not have to

be taken on consecutive days. Employees could therefore take five separate days over a 12-month rolling period.

23. Employees are required to provide notice, although this does not need to be in writing. The notice must include the fact that the employee is entitled to take carer's leave and the day(s) or part of a day that will be taken.
24. Employees will be required to give notice which is either twice the length of time being requested, or three days, whichever is the longest. It is at the discretion of the Headteacher to waive the notice requirement.
25. Headteachers are not able to deny an employee's request for carer's leave but can postpone it if they reasonably consider that the operation of the school would be unduly disrupted if the leave was approved.
26. If the Headteacher does postpone the leave, they must provide a written counter notice within seven days of the request, explaining the reason for the postponement and the revised dates the leave can be taken on. The employee must be allowed to take the requested leave within a month of their original request.
27. See page 13 for proposed Annex C - Request for Carer's Leave form

Medical and dental appointments

28. Appointments for routine medical or dental checks, screening or treatment must be made outside normal working hours in an employee's own time. Where this is not possible e.g. hospital appointments, the Headteacher or line manager may agree to time off. Proof of the appointment may be required.
29. Agreement may be given for employees to take paid time off during the school day for emergency medical treatment or hospital appointments; each case will be judged according to its circumstances and urgency. Employees should request time off in advance using the form in Annex C.
30. Particular consideration will be given to employees with disabilities who need to attend medical appointments that fall within the school day.

Adverse weather and/or disruption to travel

31. Individual employees have a responsibility to attend work. If employees fail to attend work due to adverse weather or lack of transport they are not entitled to receive pay. However, this does not mean that pay should automatically be deducted.
32. 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. If a decision is made to close the school, staff should be paid as normal.

Employee responsibilities

33. Employees are expected to take steps to avoid requesting time off wherever practicable. They should attempt to seek support from partners or family members to try to minimise these absences as far as practical. 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

34. 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. A form for requesting emergency leave is included in Annex B, if it is not possible to complete this in advance it should be completed retrospectively.
35. 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.

Requesting discretionary or special leave

36. A request for discretionary or special leave must be made at the earliest opportunity in accordance with the school's procedure, giving full details of the circumstances and the number of days required. A form for requesting discretionary or special leave is included in Annex C.
37. The Headteacher will confirm whether discretionary or special leave is granted and whether it is to be paid or unpaid.

Keeping in touch

38. Employees and their managers should keep in touch during the absence. In particular, an employee taking emergency leave should keep their Headteacher or line manager informed of any changes to their situation on a regular basis.

Monitoring

39. The number of days taken as emergency, discretionary or special leave will be monitored.

Head teacher responsibilities

40. 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 in Annexes B and C.
41. Consider requests for leave and communicate decisions, usually in writing within five working days of receiving applications for time off.
42. 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.

Longer periods of leave

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

Other Relevant Policies

- Managing sickness absence
- Parental leave
- Policies for Maternity, Paternity, Adoption and Shared Parental leave
- Facilities agreement for Union Representatives

Review of this policy

This policy is reviewed regularly and has been subject to an equalities impact assessment.

September 2023

Annex A – Emergency and discretionary events

Reason for emergency leave	Legal entitlement to unpaid leave	Headteacher / relevant body discretion for paid leave (recommended)
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	Up to 5 paid days in any one rolling year. Up to 5 days at any one time (pro rata for part time staff) depending on circumstances
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	In exceptional circumstances this may be extended by a further 5 days paid or unpaid (pro rata for part time staff) at the discretion of the Headteacher or relevant body.
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. See also Parental Bereavement Leave Policy.	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 – if the move is on a working day	No	Up to 3 days in total during a rolling year – 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	
The above list of absences is considered cumulatively, and the employer will normally have a maximum entitlement of 5 days paid absence across these different categories although discretion exists for more to be granted. Time off unpaid will of course be an option after that point.		

Annex B – Request for Emergency Leave

Complete and sign this form and return it to your Headteacher or line manager.

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, Discretionary and Special Leave policy and will normally be responded to within five working days.

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.

Annex C – Request for Discretionary or Special Leave

Complete and sign this form and return it to the Headteacher or line manager.

Requests for time off must be made in advance.

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

Discretionary Leave – time off for other urgent or personal events Special Leave – Public Duties, Jury Service, Volunteer Reservists, Election Duties			
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 working 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 or Special Leave:			
Employee's signature:			Date:
Discretionary / Special 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.

Annex C – Request for Carer’s Leave

Complete and sign this form and return it to your Headteacher or line manager.

Requests for time off must be made in advance - either twice the length of time being requested, or three days, whichever is the longest.

By completing this form, you are stating that you are eligible to take this leave

Carer’s Leave – planned time off to deal with care involving a dependant with a long-term need	
Name:	
Dates to be taken: (indicate if half or full days)	
Number of working days:	
Reason for taking leave:	
Employee’s signature:	Date:
Carer’s Leave Approval	
Headteacher signature:	Date:
Approved / Not Approved	
Reasons leave has not been approved and proposed alternative date:	

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