

STAFF SPECIAL, COMPASSIONATE AND UNPAID LEAVE POLICY AND PROCEDURE

Approving Body	Trust
Date of Last Review	March 2024
Statutory (Y/N)	N
Responsible Officer	BMAT CEO for and on behalf of the Trust

I. INTRODUCTION – PURPOSE, MEANING AND SCOPE

1. BMAT recognises that employees' lives outside of the workplace may give rise to a range of demands and commitments. This policy is designed to reflect these needs in the context of employment legislation and the business objectives and imperatives of BMAT.
2. This policy is not intended to be an exhaustive list of triggers for special leave. Should a scenario arise which is not covered below, further advice and guidance should be sought from HR.
3. In considering the application of special leave, managers should be mindful of the need for equitable treatment.
4. **Scope:** This policy applies to all employees of the BMAT, irrespective of length of service, and whether they are part time or full time, or on a fixed term contract.
5. **Definition of special leave:** For the purpose of this policy, special leave is defined as any form of leave which does not comprise all or part of:
 - a. An employee's annual leave allowance;
 - b. Paid or unpaid parental leave;
 - c. Ordinary and/or additional maternity leave, paternity leave or adoption leave;
 - d. Public bank holidays;
 - e. Sickness absence.
6. Special Leave is intended to assist employees in dealing with exceptional circumstances which may be sudden, serious and extreme in nature, for example in the case of sudden serious illness, accident or an emergency hospital visit.
7. There is no statutory entitlement to paid special leave. At the discretion of the Trust Executive and in consultation with HR, special leave will normally be paid. However, there may be circumstances where special leave will be unpaid, such as when an employee has had frequent absences.
8. If an employee wishes to request special leave, they must inform their manager of the reason for the absence and how long they expect to be absent from work, as soon as is reasonably practicable. Granting of special leave is at the discretion of managers.
9. All requests for special leave both planned and unplanned should be made by completing an Application for Leave of Absence form which can be found in T:\Staff Resources\Repository\HR News\HR Forms.
10. **Types of special leave:** Instances of special leave usually fall into one of the following classifications:
 - a. Dependency leave;
 - b. Compassionate leave;
 - c. Unforeseen domestic emergencies;

- d. Jury service or time off for public duties;
- e. Religious observance; or
- f. Other unpaid leave.

II. DEPENDENCY LEAVE

11. All BMAT employees are entitled to take a reasonable amount of time off, usually no more than two days per occasion, depending on the circumstances, and no more than two occasions per year, in order to care for or offer non-routine assistance to a dependant in the following circumstances:
- a. To provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
 - b. To make arrangements for the provision of care for an ill or injured dependant;
 - c. Because of the unexpected disruption or termination of arrangements for the care of a dependant, and
 - d. To deal with an incident that involves their dependant and occurs unexpectedly while their dependent is at school/other educational establishment.
12. A person is considered to be a dependent if they rely on another for assistance or support. This could be an employee's spouse/partner, child, parent, elderly relative, any other person who reasonably relies on the employee for assistance if he/she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury.

III. COMPASSIONATE LEAVE

13. BMAT is sympathetic to the fact that employees will occasionally need time off from work for compassionate reasons such as during occasions of serious illness or injury affecting a dependent or due to bereavement.
14. Under these circumstances, employees should consult with their manager regarding the need for compassionate leave, who will in turn discuss the request with HR, and a member of the Trust Executive if appropriate. The below should be used as a guide for granting paid leave on compassionate grounds:
- a. Up to 1 week (i.e. five working days) paid compassionate leave in the case of serious illness or death of a close relative or friend or a dependent.
 - b. Up to 2 days paid compassionate leave in the case of serious illness or death of other relatives or friends.
 - c. Up to 1 day paid compassionate leave in the case of funeral attendance.

15. Further paid compassionate leave maybe granted at the discretion of managers in consultation with the Trust Executive and HR, on a case by case basis. When considering requests for extended compassionate leave, BMAT will consider the particular circumstances of the case including:
 - a. The distance needed to travel;
 - b. The level of responsibility for care;
 - c. The responsibility for funeral arrangements
16. Extended compassionate leave is likely to be unpaid.

IV. UNFORESEEN DOMESTIC EMERGENCY LEAVE

17. Employees will from time to time experience emergencies at home, such as a flood, fire, or burglary. BMAT wishes to enable those who experience genuine domestic emergencies to take a reasonable amount of time off work to deal with them.
18. This policy does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of appliances, home deliveries, etc.
19. In the event of a domestic emergency arising, an employee should notify their performance manager as soon as it is reasonably practicable, explaining the nature of the emergency and how much time off work the employee thinks they will need. The leave request must then be recorded with HR.
20. It is BMAT policy to pay employees their normal rate of basic pay for up to the first day they are absent from work as a direct result of an unforeseen genuine domestic emergency. This is subject to the discretion of the Trust Executive and strictly on the basis that only the minimum time required to resolve the immediate emergency is taken. Partial, rather than full, days should be taken wherever possible.
21. Once the immediate emergency has been resolved, employees are expected to return to work or, if further time off is necessary, to arrange to take it as an unpaid absence, subject to the agreement of their manager.
22. If an employee requires frequent time off on account of domestic emergencies, their manager has the discretion either to require the employee make up the time and/or to grant further time off without pay.

V. JURY SERVICE OR OTHER PUBLIC DUTIES

23. In the event of being called for jury service, employees should contact their manager to request leave. In submitting a request for leave, employees should produce a copy of the court summons and should submit a claim to the court for loss of earnings. Employees will continue to be paid while on jury

service at their normal rate of pay. Where reasonably practicable to do so, employees are obliged to return to work on any day or days when they are not required to attend court.

24. Other examples of public duties may include the requirement for staff to attend court in order to give evidence in a trial.

VI. RELIGIOUS OBSERVANCE

25. Employers are under no legal obligation to grant a religious-based request for time off work. However, the Trust is sensitive to the fact that employees may have particular religious or cultural needs for which time off work would be required where this need conflicts with their contractual working arrangements.
26. Requests for time off work for religious observance will be subject to the discretion of the Trust Executive and if approved will be limited to one day's paid leave per academic year. Further requests for time off work received during the same academic year if granted will be unpaid.

VII. OTHER UNPAID LEAVE

27. Employees are encouraged to make requests for unpaid leave as a last resort and when there is no reasonable alternative.
28. Employees may apply for unpaid leave of absence by making a request to their manager, which in turn should be approved by the Trust Executive in consultation with HR.
29. The written request should explain the purpose for which the leave is requested, the length of the proposed leave and an outline of the main tasks that will need to be covered during the employee's absence.
30. Any BMAT employees with a caring responsibility for a dependent are entitled to take one week's unpaid carer's leave per year. This could include a spouse, civil partner, child or parent with long-term care needs or anyone who reasonably relies on the employee for care.
31. Long term needs are defined as a disability under the Equality Act 2010, an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months, or old age. The right will be for those who want to be absent from work to provide or arrange care for that dependent.
32. BMAT Employees may take one week's unpaid leave to provide or arrange care in each rolling 12-month period. Request can be in consecutive, or non-consecutive, half days or full days up to and including taking a block of a whole week of leave at once.
33. BMAT can postpone a request due it disrupting the needs of the organisation but will then allow the leave to be taken within one month of the start-date of the leave originally requested.

VIII. ABUSE OF THIS POLICY

34. Any employee who abuses this policy by requesting or taking time off work in the context of the above, or similar, when such time was not required, who misrepresents their circumstances to obtain leave or fails to follow correct reporting and authorisation procedures will be subject to investigation in accordance with the [BMAT Disciplinary Policy](#).

VIX. EQUALITY ANALYSIS

35. This policy is equally applicable to all employees regardless of their age, sex, marital or civil partnership status, racial or ethnic group, disability, sexual orientation, religion or belief. All employees will be required to follow the reporting requirements for leave as outlined above and managers should seek guidance from the Trust Executive or HR to ensure equity of treatment and consistent application of this policy.

36. The possible equality impact of this policy has been considered. Potential adverse effects have been identified as below, with counter measures:

- a. Employees with a disability - reasonable adjustments will be considered including flexible working practices to support the attendance of medical appointments and required procedures where possible. Requirements to make up time will be considered, where appropriate to an individual's role.
- b. Expectant mothers will not suffer detriment for the attendance of antenatal and pregnancy related appointments and flexible working practices may be considered to facilitate appointment attendance.
- c. Employees wishing to take time off for occasions of religious significance or in accordance with a particular belief will not be unfavourably treated. Unpaid leave absences will be considered to seek to accommodate this type of leave request, where business needs permit.

37. Employees who feel that a request for leave has been unreasonably withheld or feel that they have been treated unreasonably in the application of this policy should seek to resolve the matter with their manager or HR in the first instance. If the outcome remains unsatisfactory, individuals are directed to the [BMAT Grievance Policy](#).

STAFF SPECIAL COMPASSIONATE AND UNPAID LEAVE POLICY AND PROCEDURE

Appendix A - Application for Leave of Absence

To be completed when you need to take time off work in an emergency/exceptional circumstances (e.g. medical appointment, funeral, childcare, interview, etc.)

Please Note: No leave should be taken prior to your leave of absence request being approved.

- For planned absences, at least 5 working days' notice is required
- Emergencies, notify line manager and complete form as soon as possible
- It is your responsibility to arrange cover for your duties

Process:

Support Staff: (1) Employee details (2) Principal/CEO (3) N/A (4) Line Manager (5) Human Resources

Teaching Staff: (1) Employee details (2) Principal/CEO (3) Cover (4) Line Manager (5) Human Resources

Guidelines: A copy of the Staff Special, Compassionate and Unpaid Leave Policy and Procedure is available to download from the BMAT website.

Employee Details					
Name		School / Organisation	RM Education		
Department		Line Manager			
Payroll Number		Date of Application			
Absence Request Details					
Reason for Absence					Paid <input type="checkbox"/>
					Unpaid <input type="checkbox"/>
From (date and time)		To (date and time)			
Number of periods/days requested					
1	2	3	4	5	Total number of days requested
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
More Information and details of supporting documents attached					
Absence History					
Please provide accurate details of your absence history to date for the current academic year. If unsure, look on the HR Self Service Portal or contact HR					
Please note that incomplete forms will be returned and will delay the process					

Cover (Teaching Staff Only)	
Can this absence be covered?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If this absence cannot be covered, please inform the Principal and Line Manager	

Form continues overleaf

Line Manager Notification	
I can confirm that arrangements are in place to cover this absence	
Name	
Signature	
Date	

Authorisation	
CEO / Principal Signature	
Name	
Date	
Approved in line with policy <input type="checkbox"/>	With Pay <input type="checkbox"/> Without Pay <input type="checkbox"/>
Refused <input type="checkbox"/>	Reason

HR Use Only	
Paid absence PsPeople updated <input type="checkbox"/>	Unpaid absence PsPeople updated <input type="checkbox"/> Payroll informed <input type="checkbox"/>
Name	
Signature	
Date	

Finance Department Use Only	
Date received:	
Date processed:	
Name:	
Signature:	