



Emergency, Discretionary and Special Leave



THIS POLICY WAS AGREED BY TRUSTEES ON (Date):	10 th December 2025
REVIEW DATE:	10 th December 2028
CHAIR OF TRUSTEES:	
CEO:	

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INTRODUCTION

This policy has been adopted by the Directing Board of the Eynsham Partnership Academy (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 (the 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 CEO – admin@epatrust.org

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 'head teacher' 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

The EPA 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.
3. There are separate policies for employee sickness absence, parental bereavement 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 as a result of illness, injury or arrangements for the provision of care.
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 head teacher, or the chair of the relevant body if it is the head teacher 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 Page 9.

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 on page 9.

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 head teacher or the chair of the relevant body if it is the head teacher 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 head teacher 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 head teacher who will arrange for loss of earnings information to be completed as required.

MEDICAL AND DENTAL APPOINTMENTS

18. 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 head teacher or line manager may agree to time off. Proof of the appointment may be required.
19. 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 by first discussing it with their head teacher or line manager, this should then be entered onto your Edupay account using the app or by logging into the Edupay website [EduPay - Login](#).
20. 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

21. 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.
22. 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 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 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

23. All employees should be aware of the provisions of this policy.
24. Employees are 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

REQUESTING EMERGENCY LEAVE

25. 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. As much detail as is reasonable should be provided to assist the head teacher in considering the circumstances of the request. Employees should request time off in advance by first discussing it with their head teacher or line manager, this should then be entered onto your Edupay account using the app or by logging into the Edupay website [EduPay - Login](#). if it is not possible to complete this in advance it should be completed retrospectively.

26. If an emergency does arise and the employee is unable to let the head teacher 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.
27. The head teacher 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

28. 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. Employees should request time off in advance by first discussing it with their head teacher or line manager, this should then be entered onto your Edupay account using the app or by logging into the Edupay website [EduPay - Login](#).
29. The head teacher will confirm whether discretionary or special leave is granted and whether it is to be paid or unpaid.

KEEPING IN TOUCH

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

MONITORING

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

HEAD TEACHER RESPONSIBILITIES

32. Ensure all employees are aware of this policy and know who they should contact when emergencies arise and how to request emergency, discretionary and special leave.

33. Consider requests for leave and communicate decisions, usually by responding to the employees request on Edupay within five working days, which can be located on your Dashboard on Edupay.
34. Ensure there are proper records of the consideration of all requests for time off are recorded correctly on Edupay. This will include retrospective consideration in cases of emergency.

LONGER PERIODS OF LEAVE

35. Requests for longer periods of unpaid leave must be referred to the EPA Directing Board which may approve unpaid leave up to a maximum of 12 months.

Other Relevant Policies

- Managing sickness absence
- Parental Bereavement leave
- 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.

May 2019 - updated July 2020

EMERGENCY AND DISCRETIONARY EVENTS

Reason for emergency leave	Legal entitlement to unpaid leave	Head teacher / 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 (pro rata for part time staff).
Unexpected breakdown of care arrangements for a dependant - e.g if a childminder or carer fails to turn up as arranged, or the nursery or care home has to close unexpectedly.	Yes	
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	Yes	Up to 5 paid days (pro rata for part time staff).
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 <u>may</u> 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	

REQUEST FOR EMERGENCY LEAVE

Requests for time off must be made in advance unless an emergency situation prevents this, in which case you must inform your Head Teacher or Line Manager and manage your leave through your Edupay account.

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

REQUEST FOR DISCRETIONARY OR SPECIAL LEAVE

Requests for time off must be made in advance and should be managed through your Edupay account.

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