



LANESEND PRIMARY SCHOOL
LOVE LANE, COWES
ISLE OF WIGHT PO31 7ES
TEL & FAX: 01983 293 233
E: ADMIN@LANESENDPRI.IOW.SCH.UK
WWW.LANESENDPRIMARY.IK.ORG



Lanesend Primary School

Capability Policy

Isle of Wight Policy
School Staff Policy

Signed: Date:
(Headteacher)

Signed: Date:
(Chair of Governors)

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Author:	Claire Shand Human Resources, Resources Directorate ✉ Claire.shand@iow.gov.uk ☎ (01983) 821000 ext 6283
Sponsor:	Davina Fiore Deputy Director (Corporate Governance) and Monitoring Officer ✉ Davina.fiore@iow.gov.uk ☎ (01983) 821000 ext 6206
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3. Introduction

In law, employees have a right to reasonable *unpaid* time off work to deal with an emergency involving a dependent or to carry out certain public duties. However, the Council recognises the benefits of helping employees at times of urgent and unforeseen needs to take time away from work or to conduct certain public duties that are of benefit to our community and is committed to the provision of, *paid* leave and where deemed necessary, *unpaid* leave in addition to normal annual leave entitlement or flexitime arrangements in place.

This policy sets out the circumstances upon which employees may take reasonable time off following discussion with and authorisation by their line manager. This provision is not an automatic entitlement and will be dependent upon individual circumstances and having taken into account the needs of the service. The principle of special leave in the context of this policy will be to:

- Provide emergency care for a dependent or make arrangements for the care of a dependent in the event of an emergency.
- To deal with other personal emergencies or unexpected events that necessitate an urgent response.
- To take compassionate leave.
- For conducting approved public duties.

In authorising special leave managers should consider and where appropriate consult their Head of Service/Director:

- All the circumstances surrounding the request.
- The need to ensure that services are minimally disrupted.
- Consistency and fairness of application to all employees.

Employees must notify their line manager as soon as is reasonably practical of the circumstances giving rise to a need to make a request for special leave, including an indication of the period of time it is anticipated they need to be away from the workplace. Managers with employees should consider all available options and the individual circumstances. It may be appropriate to consider a combination of annual leave and unpaid leave should the situation require the employee to be away for a protracted period of time and the use of flexible working arrangements may also be appropriate.

Abuse of this policy may be treated as a disciplinary matter. Complaints arising from the application of this policy should be raised through the grievance procedure.

Employees and Managers should also be aware of the Council's Additional Employment Policy.

4. Time Off for Dependents

In addition to parental leave which is set out in the Parental Leave Policy (the link to which appears in section 11 below) reasonable time off, up to a maximum of five days (pro rata if part-time) paid leave in any 12 month period, will be allowed to enable emergency care for dependents (or other close family member who reasonably relies on the employee to make arrangements for the provision of care) to deal with an unexpected event involving a dependent, for example:

- Care required for an ill dependent or accompanying them during an urgent medical appointment.
- Arranging longer term care as a result of illness or injury or as a result of breakdown in care arrangements.
- An accident or illness suffered by a dependent which requires emergency medical treatment.

It is not intended that special leave should cover illness which is of a minor nature and should not be granted to cover routine doctor or hospital appointments or planned hospital admissions that are known in advance. In deciding whether or not to grant special leave, managers will need to consider the nature of the illness or emergency and whether the employee is the sole carer. In some circumstances, it may be appropriate for the employee to work at home but this will depend on the nature and degree of the illness or emergency and whether there is suitable work.

5. Compassionate Leave

Employees may be faced with difficult personal circumstances involving the serious illness or death of a dependent or other immediate family member. Individual circumstances, the nature of relationships and the required observances of different religions or faith may vary. Therefore each request for compassionate leave should be assessed on a case-by-case basis and take into account:

- The relationship between the individual/s and the employee.
- The nature and extent of any illness.
- Whether the employee is involved in making funeral arrangements.
- Whether there may be a requirement to travel or attend a funeral.

Line managers have the discretion to grant up to five days (pro-rata if part-time) paid compassionate leave in any calendar 12 month period to care for a dependent that is seriously ill or following the bereavement of a close family member which would normally include a parent, sibling, child, spouse or partner or spouse/partner's children. In exceptional circumstances where an additional death or serious illness occurs of a close family member within the 12 month period, it is at the manager's discretion to grant additional compassionate leave if necessary.

6. Public Duties

Under current employment law, employees have the right to reasonable unpaid time off work to carry out certain public duties. The council will make available the following periods of **paid** time off work to undertake the following public duties:

6.1 Jury Service

Employees who are summonsed for jury service will be granted paid leave, less the loss of earnings allowance paid by the court for the duration of the jury service. A copy of the written notification (Jury Service summons) must be provided to the manager prior to leave being confirmed and the employee should submit a claim to the court for loss of earnings.

Employees will continue to be paid whilst on jury service at the normal rate of pay, subject to the deduction of any monies that can be claimed from the court in respect of loss of earnings, irrespective of whether the employee actually makes the claim to which they are entitled.

6.2 Magistrate/Judicial or Tribunal Duties

Up to five days (pro-rata if part-time) paid leave in any calendar 12 month period may be granted to employees to enable them to carry out duties as a magistrate, tribunal member or other judicial role. Further periods of required absence may be taken as annual leave or unpaid leave. For the avoidance of doubt the limit of 5 paid days leave is irrespective of how many roles an individual may hold within this category.

6.3 School Governor

Up to five days (pro-rata if part-time) paid leave in any calendar 12 month period may be granted to employees to enable them to carry out such duties and only where they fall within working hours.

6.4 Service as a Witness

6.4.1 If an employee is required to attend court as a witness arising from their employment and/or on behalf of the Council, this is treated as a normal working day. This should not be classed as special or any other type of leave.

6.4.2 If an employee is called as a witness in other court proceedings a maximum of one day's special leave may be granted at the discretion of their line manager on the understanding that any loss of earnings received will be paid back to the Council.

Managers should also be aware of the Council's Domestic Abuse policy, a link to which appears at Section 11 below.

6.5 Other Public Duties

6.5.1 Elections

Leave of absence with pay will be granted for those who are appointed to assist at any election or referenda held within the area of the Isle of Wight Council, and for which the Chief Executive by virtue of their appointment is responsible for the conduct thereof. These may include, but are not limited to Parliamentary, European, Local Council and Police & Crime Commissioner elections and any form of referenda. Employees should seek confirmation from their line manager, on each occasion, that their service area is able to release them for the required time before accepting the appointment, and whilst

service continuity is paramount, managers are normally expected to accommodate such requests.

6.5.2 Volunteer Reserve Forces (such as Royal Naval Reserve, Royal Marines Reserve, Territorial Army, Royal Auxiliary Air Force)

Volunteer members of the non-regular forces shall be granted up to five days (pro-rata if part-time) paid leave in any calendar 12 month period to attend annual camp or for recruits to complete required unit training. Such leave should normally be granted automatically unless the needs of the service would be jeopardised. Volunteer reserve units should be in a position to offer alternative dates and it is expected that employees try to arrange for any training to be undertaken during off duty times. Any further periods of required absence may be taken as annual leave or unpaid leave. Whilst cadet forces are not classified as volunteer reserve forces, due consideration will be given to reasonable unpaid time off to participate in required training.

6.6 Community Emergency Services

6.6.1 Retained Fire Fighters

Due to the nature of on call duty requirements to respond if alerted means that service delivery can be heavily disrupted and leaves a significant burden on remaining staff to provide cover. Whilst the Council does recognise and value the importance of these duties, it considers it not possible to support the release of staff during normal working hours. Managers should be kept fully informed of any periods of duty that may overlap with the commencement of required working hours/shifts, and any such time is to be taken as annual leave or flexitime.

6.6.2 Special Constables

The Council has demonstrated its support to the Hampshire Constabulary Employer Support Scheme and is signed up to Level 1 of that scheme in which we assist in the promotion of special constable recruitment. However, this does mean that any employee who enlists as a special constable will **only** be granted paid leave in times of significant civil unrest has been identified or where a risk to public safety has been identified. In such circumstances up to a maximum of five days (pro-rata if part-time) in any calendar 12 month period will be granted and release is will **only** be granted with the approval of the line manager. Where extended leave is requested, this will be subject to agreement being reached with Hampshire Constabulary on funding to support continued release and the impact on service delivery has been assessed.

6.6.3 Coastguard Rescue

Due to the nature of on call duty and requirements for response if alerted means that service delivery can be heavily disrupted and leaves a significant burden on remaining staff to provide cover. The Council recognises the value the importance of these duties and considers that support for the release of staff during normal working hours (up to a maximum of five days (pro-rata if part-time) in any 12 month period) can only be granted after an assessment has been undertaken as to the impact on service delivery and permission of the line manager is obtained to attend when alerted. Managers should be kept fully informed of periods of duty that overlap with required working hours/shifts.

Employees who are considering taking on such public duties should advise their line manager before entering into such commitments to identify any other potential implications for their work. Employees should also comply with the Additional Employment Policy.

7. Study/Exam Leave

Employees who are sponsored by the Council to undertake courses leading to examination based qualifications may be granted the time necessary for attendance at the examination. In addition the line manager has the discretion to allow a further half day's leave per examination for the purpose of final revision. Under the Right to Request Time Off for Training Regulations there may be circumstances where permission is granted for other types of training that leads to a qualification or is training that will help you develop skills relevant to your job. Where such requests are submitted, consideration will be given to reasonable paid or unpaid time off as part of that request. For further information on the regulations and what constitutes relevant training, please contact the workforce development team.

8. Routine Medical Treatment

Routine optician, dental, GP appointments or other preventative medical treatment, are expected wherever possible to be undertaken out of normal working hours. If this is not possible, paid leave may be granted in exceptional circumstances and subject to these being arranged as close as possible to the start or end of the working day. It is recognised that hospital appointments are less likely to be flexible in their arrangement and paid leave will be granted where it is not possible to arrange them outside of the working day.

In accordance with the Flexible Working Policy time away from work to give blood will be treated as authorised absence and is not to be counted as Special Leave.

9. Other Special Paid Leave

There may be occasions when special leave is appropriate but may not be covered by the special leave arrangements set out in this policy. Managers have the discretion to authorise special leave, either paid or unpaid up to a maximum of five days (pro-rata if part-time) in total within any calendar 12 month period, for exceptional circumstances. Such circumstances may include for example paid leave for domestic emergencies not involving dependants, such as fire, flood or theft at home; the observance of recognised religious festivals that are not covered by public holidays; appointments or attendance at counselling that assist employees in resolving difficult personal life experiences such as domestic violence. Managers are advised to contact their HR Advisor before granting any such request to ensure that there is consistency in its application.

If an employee approaches a manager in relation to attending an interview for an internal or external job it is at the manager's discretion considering the needs of the service whether they allow the sufficient time off as special leave in these circumstances.

Managers should also be aware of the Council's Domestic Abuse policy, a link to which appears at section 11 below.

Recognised Trade Union representatives may be entitled to time off in accordance with the relevant Facilities Agreement with their union. A link to the relevant Facilities Agreement appears in section 11 below.

10. Management of Special Leave

If an employee has taken Special Leave throughout the calendar 12 month period and at the end of the year has some outstanding annual leave remaining they will not be entitled to carry over their annual leave, until the amount of special leave taken is removed from the amount of annual leave left.

If an employee leaves during the calendar 12 month period, any payment for outstanding leave will first be adjusted to deduct any time taken as special leave from the outstanding leave. In the event that this leaves the employee's leave entitlement in deficit, however, the employee will not be required to pay back the entitlement.

Managers will be expected to keep a record of special leave agreed and forward the dates agreed, and type of special leave to the HR Assistants at shared services (email address: hr.officers@iow.gov.uk) who will record this directly into SAP for monitoring purposes.

In circumstances where a member of staff disagrees or disputes a refusal to grant special leave, they may utilise the council's grievance procedure.

11. Related Documents

- Sustainable Community Strategy - *Eco-Island* www.eco-island.org.uk
- Corporate Plan www.iwight.com/council/documents
<http://wightnet.iow.gov.uk/documentlibrary/view/safeguarding-adults-policy-and-procedures-section-1-of-3>
- Safeguarding Adults Policy and Procedures Sections 1, 2, and 3
<http://wightnet.iow.gov.uk/documentlibrary/view/safeguarding-adults-policy-and-procedures-section-2-of-3>
<http://wightnet.iow.gov.uk/documentlibrary/view/safeguarding-adults-policy-and-procedures-section-3-of-3>
- Local Safeguarding Children Boards www.4lscb.org.uk
- Domestic Abuse Policy <http://wightnet.iow.gov.uk/documentlibrary/view/domestic-abuse-policy>
- Annual Leave Policy <http://wightnet.iow.gov.uk/documentlibrary/view/annual-leave-policy>
- Flexible Working Policy <http://wightnet.iow.gov.uk/documentlibrary/view/flexible-working-policy>
- Facilities Agreements http://wightnet2000.iow.gov.uk/staff/personnel_services/Trade_Union_Facilities_Agreement_/faciliti.asp
- Parental Leave Policy <http://wightnet.iow.gov.uk/documentlibrary/view/parental-leave>
- Additional Employment Policy <http://wightnet.iow.gov.uk/documentlibrary/view/additional-employment-policy>
- Disciplinary Policy & Procedure <http://wightnet.iow.gov.uk/documentlibrary/view/disciplinary-policy-procedure>
- Grievance Procedure <http://wightnet.iow.gov.uk/documentlibrary/view/grievance-procedure>