

# 2018 -2019

Potential in Everyone Trust  
CEO – David Whitehead

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# Special Leave Policy

(Policy and Procedure)

Rev May 2018

<b>Committee</b>	Finance and Staffing
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# Part A – Policy

## 1. Policy Statement

Potential in Everyone Trust recognises that at some stages during their working lives Employees may need to take time off to fulfil their personal commitments, including domestic and family responsibilities. The Trust also acknowledges that Employees have certain statutory rights in respect of time off work.

The Trust will give due consideration to requests made under these provisions and will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the Trust.

The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other Employees.

This procedure explains:

- Employees' entitlement to leave and how this should be requested
- How the Trust will manage requests for leave in a fair and consistent manner.

It does not address absences for reasons of personal sickness which are set out in other procedures.

## 2. Scope of the Policy

This Policy and Procedure applies to all Employee of Potential in Everyone Academy Trust.

## 3. Adoption Arrangements and Date

This policy procedure was adopted by the Board of Directors of Potential in Everyone Academy Trust on 1 September 2018 and supersedes any previous Special Leave Policy and Procedure.

This policy/procedure will be reviewed by the Board of Directors every two years or earlier if there is a need. This will involve consultation with the recognised Trade Unions.

## 4. Responsibilities of the Trust

- To consider requests for leave fairly and equitably in accordance with the provisions of this procedure and discretions available
- To comply with any statutory provisions that may apply in relation to special leave
- To balance any requests for leave with the operational needs of the Trust to ensure that granting an Employee leave does not have a detrimental impact on the Trust or cause undue disruption to other Employees
- To monitor leave requested/taken under the special leave provisions and discuss any concerns with the Employee regarding the frequency and duration of time taken.
- To ensure special leave is accurately recorded, monitored and reviewed effectively, via six monthly reporting to the Finance and Staffing Committee

## 5. Responsibilities of the Employee

- To make any request for leave in accordance with the provisions and timescales set out in this procedure
- To take leave only for the specific purpose for which it is requested
- To make the Trust aware should they undertake public duties or other commitments outside of the workplace for which they may be entitled to request leave.

## 6. Delegated Responsibility

The management of special leave may be delegated to any member of the Trust Leadership Team (TLT). This includes the Chief Executive Officer (CEO), constituent school's Headteacher or the Trust Business Manager (TBM) depending on their line management responsibilities. For the purposes of this document school based

staff should make any requests to their relevant Headteacher and centrally based non-educational central staff to the TBM. The Headteachers and TBM should make any requests to the CEO.

## 7. Monitoring of special leave

In order to manage special leave effectively the Trust will record, monitor and review requests and leave granted on an individual and whole Trust basis. Any data gathered will be processed objectively, confidentiality and in accordance with the requirements for GDPR 2018 and the Equality Act 2010.

# Part B - Procedure

## 8. Emergency Dependent Care Leave (formerly Emergency Time Off for Dependents)

### Entitlement

The Trust has a statutory obligation to grant Employees a reasonable period of unpaid time off work to deal with unforeseen or emergency situations involving a dependant who relies upon the Employee for assistance. Generally, no more than 1 or 2 days would be granted on each occasion and is at the discretion of a member of the TLT.

A dependant is defined as the Employee's spouse, civil partner, child or parent, and any person who lives at the same house as the Employee (other than as a lodger, tenant, boarder or Employee) or who would reasonably rely on the Employee for assistance or arrangements for care in the event of illness or injury. This may also include step children.

Circumstances, in which time off may be permitted include but are not limited to:

- Providing assistance if a dependant falls ill, is injured or assaulted or is unexpectedly taken into hospital
- Making arrangements for the care of a dependant who is ill or injured
- If a child is involved in a serious incident at the Trust or during Trust hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependant
- Taking action that is necessary in consequence of the death of a dependant.

Each request will be considered on a case by case basis. As a guide the time off should be sufficient to enable the Employee to deal with the immediate situation and make any necessary longer-term arrangements. In most cases a day or two will be sufficient to deal with the immediate circumstances.

Time off for non-dependants is not covered by this provision

### Eligibility

All Employees, regardless of their length of service, are entitled to request reasonable time off under this provision.

### Requesting Leave

All requests should be submitted to the relevant member of the TLT as outlined in section 6, Delegated Responsibility for consideration, on behalf of the Trust.

The Trust recognises that it may not always be possible for the Employee to notify a member of the TLT of the need to take emergency time off in advance. However, the Employee should inform their relevant TLT member of the need to take time off as soon as reasonably practicable.

The Employee should advise the relevant member of the TLT of the reason for the absence and how long they expect to be absent. Where an absence lasts more than one day the Employee should make contact with the relevant member of the TLT each day if other arrangements were not agreed on the first day of absence.

There is no limit to the number of occasions such time off will be granted – however the Trust will monitor absences and may address this with Employees where the number or duration of such absences are causing concern.

The relevant member of the TLT as outlined in section 6 reserves the right to refuse time off where Employees could reasonably be expected make alternative arrangements or contingency plans for the situation in advance – e.g. to take a dependant to a pre-planned non-emergency appointment.

The Trust may also direct the Employee to other more appropriate types of leave which may be requested given the circumstances.

Disputes regarding the application of emergency dependant care leave provisions should be addressed via the Trust's Grievance Procedure.

Emergency Dependant Care Leave should be recorded separately to any other leave which may be taken.

## **9. Personal Leave (formerly Compassionate Leave)**

Personal or Compassionate leave may be granted at the discretion of the relevant member of the TLT as outlined in section 6 on behalf of the Trust to allow an Employee to attend to urgent or unforeseen personal circumstances.

The Trust may need to undertake reasonable and sensitive enquiries into the situation when considering requests.

### **Entitlement**

Up to 10 working days paid leave may be granted in any one academic year.

Entitlement is calculated on a pro rata basis for part time staff.

Additional unpaid personal/compassionate leave may be granted in exceptional circumstances with the permission of the CEO.

Circumstances in which leave may be granted include:

- Death of a member of the Employee's immediate family and attendance at the funeral
- Injury or critical illness of an immediate family member
- Personal leave may also be granted at the CEO's discretion on other occasions such as family wedding, attendance at graduation ceremony, relationship breakdown, house move

Immediate family is defined as the Employee's spouse, civil partner, partner, parent, child, step-child, sibling, grandparent or in-law. Careful consideration will also be given to requests for time off relating to other people outside an Employee's immediate family.

### **Eligibility**

This provision applies to all groups of Employees both under the terms of the School Teachers' Pay and Conditions and Kent Scheme terms and conditions.

All Employees, regardless of their length of service are entitled to request compassionate leave.

### **Requesting Leave**

All requests should be submitted to relevant member of the TLT as outlined in section 6 for consideration, on behalf of the Trust.

The Trust recognises that it may not always be possible for the Employee to notify the relevant member of the TLT of the need to take compassionate leave in advance. The Employee should inform the relevant member of the TLT of the need to take compassionate leave as soon as reasonably practicable. The Employee should advise the relevant member of the TLT of the reason for the absence and how long they will need to take leave and whether they are requesting paid or unpaid leave.

Requests will be viewed sympathetically and considered on a case by case basis.

The decision of the relevant member of the TLT as outlined is final and there is no right of appeal.

The outcome of the request and any arrangements for payment will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made.

This provision is in addition to any statutory entitlement for emergency time off for dependents.

In certain circumstances it may be appropriate to grant a combination of Personal Leave and Emergency Time Off for Dependents.

Personal Leave should be recorded separately to any other leave which may be taken.

## 10. Carers Leave

It's expected that, for the most part, flexible working arrangements will allow Employee's to balance their caring commitments and work. However, there may be occasions where, on a planned and short-term basis, Employees may require time off to meet their caring commitments. In this situation an Employee may request to take Carers Leave.

In circumstances where Employee's require a more regular, ongoing arrangement then this should be made as a formal request to the Headteacher, Trust Business Manager or CEO as appropriate. The Trust will consider this request in accordance with the DfE's guidance on Flexible Working. This document can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/593990/DFE\\_Flex\\_Working\\_Guidance\\_2017\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593990/DFE_Flex_Working_Guidance_2017_FINAL.pdf)

### Entitlement

Up to 5 working days paid planned Carers Leave may be requested in any one academic year.

Entitlement is calculated on a pro rata basis for part time staff.

Circumstances in which Carers leave may be granted includes:

- Providing care to a relative after a planned operation
- Taking a relative to a medical appointment
- Attendance at social services meeting

### Eligibility

This provision applies to all groups of Employees both under the terms of the School Teachers' Pay and Conditions and Kent Scheme terms and conditions

To be eligible the Employee should:

- Provide care or support to an ill/disabled or elderly partner, child, relative or friend on an ongoing basis

### Requesting Leave

All requests should be submitted to the relevant member of the TLT as outlined in section 6 for consideration, on behalf of the Trust using the Trust's Carer Registration Form, Appendix C.

To ensure the Trust are fully aware of individual circumstances, an Employee should, wherever possible, discuss their anticipated caring needs in advance with the relevant member of the TLT.

To consider the request, the Employee will be required to provide the relevant member of the TLT with information regarding the nature of their caring commitments. This discussion will allow the relevant member of the TLT to explore the most appropriate way to support the Employee in fulfilling their responsibilities whilst ensuring service delivery is maintained. A written record will be made of the agreed Carers Support Plan.

Generally, Carers leave is taken in whole days, however smaller periods of leave may be agreed at the discretion of the relevant member of the TLT.

The Employee should inform the relevant member of the TLT of the specific days/times they wish to request carers leave as soon as reasonably practicable. The Employee should advise the relevant member of the TLT of the reason for the absence and how long they will need to take.

Requests will be viewed sympathetically and considered on a case by case basis.

The decision of the relevant member of the TLT is final and there is no right of appeal.

The outcome of the request and any arrangements for payment will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made.

This provision is in addition to any emergency dependent care leave which may be requested or flexible working arrangements which may be agreed.

Carers leave should be recorded separately to any other leave which may be taken.

## **11. Parental Leave**

Employees with parental responsibilities have a statutory entitlement to request parental leave specifically to take care of the welfare of their child.

### **Entitlement**

Qualifying Employees may take up to a total of 18 weeks leave for in respect of each child.

This entitlement is calculated on a pro rata basis for part time Employees

Although there is no statutory obligation to allow time off for this purpose, The Trust will endeavour to allow reasonable paid time off in relation to parental leave, as far as is practicable considering the needs of the Trust. This will be at the discretion of a member of the TLT as outlined in section 6, Delegated Responsibility.

Leave may be taken in periods of no less than 1 week up to a maximum of 4 weeks in any 12-month period. Where a child is disabled periods of less than 1 week may be agreed.

Each 12-month period commences on the anniversary of the date an Employee first became entitled to parental leave in respect of the child in question.

Both parents each have an entitlement to parental leave – however this cannot be transferred between parents.

### **Eligibility**

To qualify for parental leave:

- Employees must have completed at least one year's continuous service and
- Be the parent or adoptive parent of a child who is under 18 years of age.

The Employee may be asked to complete an application/declaration form to formally confirm their eligibility for parental leave.

### **Requesting Leave**

All requests should be submitted to the relevant member of the TLT as outlined in section 6 for consideration, on behalf of the Trust.

Requests for parental leave should be made in writing to the relevant member of the TLT no later than 21 days before the intended start date. When requesting leave the Employee should specify the duration and intended return date.

To request parental leave immediately after the birth or adoption of a child Employees should submit their application no later than 21 days before the beginning of the expected week of confinement or placement, or as practicable if the child is born prematurely.

The Trust may ask the Employee to evidence their relationship with the child for whom leave is requested by providing birth or adoption certificates, as appropriate.

The outcome of the request will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made.

Disputes regarding the application of parental leave provisions should be addressed via the Trust's Grievance Procedure.

The Trust will keep a record of the amount of leave taken to maintain an accurate account of the Employee's entitlement.

### **Postponement of leave**

Each request for parental leave will be considered on a case by case basis.

The Trust may ask an Employee to postpone a period of parental leave if their absence would be detrimental to the operation of the Trust. Such a postponement may be extended by up to 6 months.

In instances where a request for leave is made immediately following the birth or adoption no postponement is permissible.

Where a request cannot be accepted, the Trust will discuss the reasons for this and suitable alternative dates with the Employee. The Trust will notify the Employee of the outcome in writing within 7 working days of the original request setting out the reasons why a postponement is necessary and suitable alternative dates.

### **Changing Employers**

Employees who change Employers during the period in which they are eligible to take parental leave may transfer any unused leave to their new Employer. Such leave may not be taken until the Employer has been employed by the new Employer for 12 months.

The Trust reserves the right to contact previous Employers to verify the amount of unused entitlement an Employee has.

### **Conditions of employment during periods of parental leave**

During a period of parental leave, the Employee will remain employed although pay will be suspended. The Employee will have the right to return to the same role as before their period of parental leave.

## **12. Time Off for Religious Observance**

The Trust recognises that there may be occasions where Employees may wish to request time off during their usual working hours for religious/cultural observance.

### **Entitlement**

The Trust will endeavour to grant reasonable time off in so far as practicable taking into account the needs of the Trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other Employees.

### **Eligibility**

All Employees, regardless of their length of service, are entitled to request time off under this provision.

All Employees, whatever their religion or belief, will be treated equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

Employees who are contracted on a term time only basis and who therefore have no entitlement to take annual leave should request unpaid leave should they wish to take time off for this purpose.

Support staff Employees who are contracted on an all year-round basis should request annual leave should they wish to take time off for this purpose. Where annual leave has been exhausted, unpaid leave may be requested. Priority consideration will be given to Employee's requesting annual leave for the purpose of religious observance.

### **Requesting leave**

All requests should be submitted to the relevant member of the TLT as outlined in section 6 for consideration, on behalf of the Trust.

Requests for leave should be planned in advance giving sufficient notice for the Trust to assess the impact of granting leave. All requests should be made in writing to the relevant member of the TLT clearly stating the dates and reasons for requesting time off.

Requests will be considered sensitively and in accordance with the Trust's obligations under the Equality Act. The Trust will endeavour to grant reasonable time off in so far as is practicable and taking into account the needs of the Trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

The decision of the relevant member of the TLT is final and there is no right of appeal.

The outcome of the request will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made.

Time off granted for religious observance should be recorded separately to any other leave which may be taken.

## **13. Jury Service**

The Trust will grant Employees paid leave in order to undertake jury service.

### **Eligibility**

All Employees, regardless of their length of service, are entitled to time off under this provision.

### **Notifying the Trust**

The Employee should advise the relevant member of the TLT as outlined in section 6 as soon as practicable that s/he has been called for jury service and provide a copy of the confirmation of jury service letter received from the court.

### **Period of leave granted**

The Trust is committed to supporting the democratic system and will grant all time off required for jury service

The Employee is expected to notify the relevant member of the TLT as soon as they are released from jury duty and attend for work as directed.

### **Payment**

The time off for jury service will be paid at normal contractual pay. An Employee will continue to receive their usual salary throughout their period of jury service, however a loss of earnings allowance payable by the court is offset against the Employee's normal salary.

The Employee must provide the relevant member of the TLT with a Loss of Earnings Certificate obtained from the Court. The Trust Finance Manager (TFM) will calculate the Employee's daily net rate of pay. The Employee should present the Loss of Earning Certificate to the clerk of the court on their first day of jury service.

Following the completion of jury service, the Employee will receive a payment direct from the court together with a remittance advice. The remittance advice should be passed to the TFM to enable the amount paid by the court to be deducted from the Employee's salary.

## 14. Time Off for Public Duties

The Trust will grant reasonable paid leave to Employees for the specific purpose of undertaking certain public duties.

Such duties include:

- Magistrates/Justices of the Peace/Employment Tribunal panel member
- Member of a Local Authority/Local Councillor or Members of any Committee or Sub-committee thereof
- Member of certain public authorities – e.g. police, health or education authority, statutory tribunal or member of a prison board of visitors
- School/Trust Governor – either in the school where the individual is employed or in another School/Trust

Time off under these provisions should not exceed a total of 18 days in any academic year.

### Eligibility

All Employees, regardless of their length of service, are entitled to request time off under this provision.

### Requesting Leave

Employees should advise the relevant member of the TLT as outlined in section 6, should they be a member of a public organisation who may be entitled to leave under this provision. The Employee should discuss with the relevant member of the TLT at the start of each academic year how much time they anticipate requiring to request under these provisions.

All requests should be submitted to the relevant member of the TLT as outlined in section 6, for consideration, on behalf of the Trust.

Requests for leave should be planned in advance giving sufficient notice for the Trust to assess the impact of granting leave. The Employee should advise the relevant member of the TLT in writing as soon as practicable of the dates and duration they wish to take leave for public duties. As a guide it is expected that not less than 5 working days' notice will be given of the request to take leave under this provision, although this requirement may be waived in exceptional circumstances.

The Trust will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the Trust. The Trust reserves the right to decline/postpone requests where the amount of time requested becomes excessive or in instances where granting time off would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

Each request will be considered on a case by case basis. The outcome of the request will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made.

Disputes regarding the application of Time off for Public Duties provisions should be addressed via the Trust's Grievance Procedure

Time off which is granted for the purpose of undertaking public duties should be recorded separately to any other leave which may be taken.

### Payment

Reasonable paid time off of up to 18 days in any academic year will be given for public duties.

## 15. Time off for Trade Union Duties

The Trust recognises that accredited Trade Union officials are entitled to reasonable time off with pay for the specific purpose of undertaking union duties.

Employees should make the relevant member of the TLT as outlined in section 6 aware as soon as possible on their appointment or during the course of their employment should they be appointed as a Trade Union official and become eligible to request time off under these provisions.

Trade Union representatives should provide the relevant member of the TLT with as much notice as is possible of any request to take time off. All time off is subject to the prior agreement of the relevant member of the TLT and time off may be declined where this may have detrimental impact on the operation of the Trust.

Arrangements under this provision are set out in the Trust's Recognition and Facilities Agreement and Burgundy Book (for Teachers).

## **16. Reservists**

### **Eligibility**

Employees who are a reservist with the following organisations are entitled to request time off under this provision:

- Army Reserves
- Royal Navy Reserve
- Royal Auxiliary Air Force
- Royal Marines Reserve
- Regular Reservists (ex regular service personnel who may be liable to be mobilised)

### **Notifying the Trust**

The Trust requires that all new recruits who are already reservists or existing staff who become reservists inform the relevant member of the TLT as outlined in section 6 as soon as possible that they are, or intend to become, reservists.

The Trust may require the Employee to provide a copy of the written notification provided by the MOD to confirm that they are a member of the reserve forces and the terms of their engagement. The Employee may also be required to confirm on an annual basis that they are still a reservist.

### **Time off for reservist training**

Employees should seek to undertake training activities at weekends or outside of the Trust term, where possible.

Should an Employee wish to request time off for training they should do so in writing to the relevant member of the TLT as soon as practically possible.

The relevant member of the TLT will consider any request carefully but may decline to grant time off where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other Employees.

Where training takes place during the Trust term the Trust will grant Employees up to 2 weeks unpaid leave in any academic year. Any payment for time off for reservist training is at the discretion of the relevant member of the TLT.

### **Call up for Military Operations**

Should an Employee be called up they should advise the relevant member of the TLT as outlined in section 6 as soon as practicable and present his/her mobilisation papers/letter from the MOD, outlining the date, and possible duration, of his/her mobilisation.

The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than twelve months.

All requests to be released from duty following 'call up' should be submitted to the relevant member of the TLT as outlined, on behalf of the Trust.

The Trust will only seek to apply for an exemption or deferral of the Employee's mobilisation in exceptional circumstances.

The relevant member of the TLT may meet with the Employee to discuss the terms of release and arrangements for maintaining contact during the period of mobilization and confirm these in writing within 7 working days of the request being made.

## **Payment**

It is not the Trust's policy to continue to pay a reservist while they are absent on military operations therefore the Employee's salary will cease on their first day of absence.

During this period the Employee will receive payment directly from the MOD according to their military rank.

## **Terms Relating to the Period of Mobilisation**

Continuity of employment and service related benefits are not affected by a period of mobilisation however the period that the Employee was absent from work will not count towards continuous service entitlement

## **End of the Mobilisation Period**

Continuity of employment and service related benefits are not affected by a period of mobilisation however the period that the Employee was absent from work will not count towards continuous service entitlement.

For Support Staff the terms under which mobilisation leave is granted are specified in the Kent Scheme Conditions of Service and associated guidance.

## **Rights on return**

An Employee has the right to return where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.

## **17. Special Constables and Retained Fire-fighters**

The Trust will grant reasonable paid leave to Employees for the specific purpose of undertaking the duties of a Special Constable or Retained Fire Fighter.

The School may require the Employee to evidence that they are engaged as a Special Constable or Retained Fire-fighter. The Employee may also be required to confirm on an annual basis that they are still undertaking such duties.

## **Eligibility**

All Employees, regardless of their length of service, are entitled to request time off under this provision

## **Time off for training**

Employees should seek to undertake training activities at weekends or outside of the School term, where possible.

Should an Employee wish to request time off for training they should do so in writing to the relevant member of the TLT as outlined in section 6 as soon as practically possible.

The relevant member of the TLT will consider any request carefully but may decline to grant time off where this would have a detrimental impact on the operation of the School or cause undue disruption to other Employees.

Where time off for training is agreed during the school term up to 2 weeks unpaid leave may be granted in any academic year. Any payment for time off for training is at the discretion of the CEO.

## **Requesting Leave**

Employees should advise the relevant member of the TLT where they are entitled to request leave under to undertake the duties of a Special Constable or Retained Fire Fighter.

All requests should be submitted to the relevant member of the TLT for consideration, on behalf of the Trust.

Requests for leave should be planned in advance giving sufficient notice for the Trust to assess the impact of granting leave. The Trust will endeavour to grant reasonable paid time off in so far as is practicable taking into account the needs of the Trust.

The outcome of the request will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made.

## **18. Requesting Time Off for Study/Training**

The Trust recognises the importance of staff development and that time away from the workplace may be required for the purpose of attending training or study.

### **Entitlement**

Employees may request time off specifically to undertake training or study leading to a job-related qualification or to develop specific skills relevant to the job role.

### **Eligibility**

All Employees regardless of their length of service, may request reasonable time off for the purpose of study/training.

Certain Employees under the age of 18 have a statutory right to reasonable paid time off to study towards a relevant qualification which will help them towards achieving a certain educational standard.

### **Requesting Leave**

All requests should be submitted to the relevant member of the TLT as outlined in section 6 for consideration, on behalf of the Trust.

Any request for time off must be made in advance in writing in good time before the intended start date of the training/study programme. Employees should state the amount of study leave that will be required and the duration of the programme. Employees must evidence how the particular programme will be of relevance/benefit to them in their job role.

The relevant member of the TLT will meet with the Employee to discuss the request. Each request will be considered on a case by case basis taking into consideration the benefits of granting leave to both the Employee and the Trust.

The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust, cause undue disruption to other staff or where there is no tangible benefit to the Trust.

The outcome of the request and any terms relating to the time off will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made.

The decision of the relevant member of the TLT is final and there is no right of appeal.

### **Payment**

Any time off agreed under this provision will be unpaid. In exceptional circumstances and at the discretion of the CEO time off may be paid.

The Trust will also consider, in appropriate cases, paying course fees and other expenses related to training/study.

Should the Trust fund training or grant paid time off, the Employee may be required to enter into a training agreement setting out the terms and conditions under which financial assistance/time off has been granted.

## **19. 'Timeout'/Career Break**

The Trust may, at its discretion, allow Employees to take a planned career break and return to the workplace afterwards. Breaks may be requested for a number of reasons including to:

- Pursue a personal interest or project
- Undertake voluntary work
- Undertake extensive overseas travel

- Spend more time with family
- To undertake domestic/caring responsibilities

### **Entitlement**

Employees may request between 2 months and 1-year unpaid leave from work.

No more than one career break will be granted during an individual's employment with the Trust.

### **Eligibility**

This provision applies to all groups of Employees both under the terms of the School Teachers' Pay and Conditions and Kent Scheme terms and conditions

To qualify Employees, need to demonstrate:

- That they have a firm intention of returning to work by an agreed date
- Have a satisfactory performance and conduct record
- Possess skills which the Trust wishes to retain by demonstrating how they will keep those skills up to date whilst not working
- How they intend to use the time away from work.

### **Requesting Leave**

All applications for Time Out/Career Breaks should be submitted in writing, setting out how the Employee meet the eligibility requirements above, to the relevant member of the TLT as outlined in section 6 for consideration, on behalf of the Trust.

Any request for time off must be made in writing to the relevant member of the TLT no later than 3 months before they wish the break to start. Employees should state the reason for the request, length of the break requested and the anticipated start and return date.

The relevant member of the TLT will meet with the Employee to discuss the request. Each request will be considered on a case by case basis taking into consideration the benefits of granting leave to both the Employee and the Trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust, cause undue disruption to other staff or where it is not possible to cover the Employee's role.

The outcome of the request and any terms relating to the career break will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made. Where a request is declined the reasons for this will be stated.

Disputes regarding the application of Time Out/career break provisions should be addressed via the Trust's Grievance Procedure.

### **Payment**

All career breaks are unpaid. The Employee will not receive pay progression during the period of the career break.

Where an Employee is granted a career break immediately following Maternity or Adoption leave and they have received the additional 12 weeks at half pay, they will need to complete three months service (or equivalent if they are a teacher) after their agreed return date following the career break. If they do not return to work on the agreed date, they will have to repay the half pay received.

### **Returning to Work Early**

If an Employee's circumstances change and they wish to return to work early, they should contact the relevant member of the TLT as outlined in section 6 in the first instance. An Employee should give at least 3 months written notice of a wish to return early or where the leave period is less than 3 months as much notice as is reasonably practical. The relevant member of the TLT will consider whether an early return date can be accommodated but reserves the right to require the Employee to remain on the career break until the date originally agreed.

## **Terms Relating to Career Breaks**

Employees will be required to provide the Trust with details of how they may be contacted during the period of the career break.

Employees who are granted a career break will be entitled to return to their substantive post, unless a redundancy or restructure process is undertaken during the period of absence. In this case the school will consult with the Employee to regarding the potential impact of the change on their role.

Annual leave does not accrue during a career break.

The period of the career break will count towards the calculation of continuous service for statutory purposes (e.g. redundancy rights, unfair dismissal rights, statutory maternity and adoption leave).

However, the period of the career break will not count towards continuous service for contractual purposes (e.g. annual leave, contractual maternity, adoption and paternity schemes and contractual sick pay). When the employee returns to work following the career break, their pre-break and post-break service will be added together to make total service for contractual purposes.

## **20. Time off in relation to legal proceedings**

Although there is no statutory obligation to allow time off for this purpose, the Trust will endeavour to allow reasonable paid time off in relation to legal proceedings not related to work matters, as far as is practicable taking into account the needs of the Trust. This will be at the discretion of a member of the TLT as outlined in section 6, Delegated Responsibility.

All Employees regardless of their length of service are entitled to request time off for this purpose.

The Employee should advise the relevant member of the TLT as outlined in section 6 in writing as soon as practicable of the dates and duration if they wish to take leave for this purpose. The Employee may be required to provide evidence of the dates/duration they will be required to attend court.

## **21. Adverse Weather Conditions**

Employees have a contractual duty to report to work and should make every reasonable effort to attend work in adverse weather conditions even if their arrival is delayed. However, the relevant member of the TLT as outlined in section 6 will have due regard to the health and safety of employees and may use their discretion in making appropriate alternative arrangements according to local conditions.

In instances where the relevant member of the TLT determines that a school should close. All Employees will continue to receive full pay. However, Employees may be expected to undertake reasonable alternative duties including working from home or another of the Trust's sites.

Paid absence in other circumstances is entirely at the discretion of a member of the TLT and will only be granted with prior approval. Paid leave should only be considered once all other reasonable options - including working from home/at another site/making up lost time/taking annual leave/have been considered. All staff are expected to proactively consider other options for working during adverse weather conditions.

## **22. Unpaid leave**

The Trust will exceptionally grant unpaid leave for reasons others than those specified in this procedure.

Requests for such leave should be made in writing to the relevant member of the TLT as outlined in section 6. Each request will be considered on case by case basis, balanced against the operational needs of the Trust and granted at the discretion of the relevant member of the TLT.

The outcome of any request and any terms relating to the leave will be confirmed in writing by the relevant member of the TLT within 7 working days of the request being made.

Disputes regarding the application of unpaid leave provisions should be addressed via the Trust's Grievance Procedure

## **23. Pension Considerations**

Certain periods of paid or unpaid leave may impact on an Employee's pension.

Employees should seek guidance from the LGPS or Teachers Pension Scheme regarding the pension implications of any period of special leave taken and any mandatory or optional pension contributions which may be made during a period of leave.

## **24. Suspected Abuse of Special Leave Provisions**

It is expected that Employees will only request and take leave specifically for the purpose stated.

Where it is suspected that a fraudulent request had been made, the Trust may, after appropriate investigation, address the matter through its disciplinary procedure.

## **25. Unauthorised Absence**

Where an Employee:

- fails to adhere to the notification requirements set out in this procedure or takes leave without seeking prior authorisation, or
- is identified as not utilising the leave for the purpose it was requested

Any absence may be regarded as unauthorised and, after appropriate investigation, be addressed via the Trust's Disciplinary Procedure.

Should a request for special leave be declined and the Employee subsequently takes unauthorised leave – this may be addressed via the Trust's Disciplinary Procedure.

## **26. Disputes**

Each request for special leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent for another employee to be granted leave in similar circumstances. However, all employees will be treated fairly and the Trust will ensure appropriate arrangements are in place to monitor and review decisions taken under this policy.

Employees should discuss the reasons for any refused leave requests informally with the relevant member of the TLT as outlined in section 6.

Disputes regarding the application of special leave provisions should be addressed via the Trust's Grievance Procedure.

## **27. Record Keeping**

Notes may be taken of all discussions and formal/informal meetings held with Employees relating to a request to take special leave. Where notes are taken a copy will be made available to the Employee.

The Employee may be asked to complete a leave request form when applying for leave under the provisions of this document. Records will be kept of leave taken for monitoring purposes.



# Appendix A: Special Leave Request Form

Employee Name:

Job Title:

Department:

<b>Date Leave Requested</b>	From	To
<b>Total Number of Days Requested</b>	Days	

Reason	Please tick
Emergency Time Off for Dependents	
Personal (Compassionate) Leave	
Parental Leave	
Time Off for Religious Observance	
Jury Service	
Time Off for Trade Union Duties	
Reservist	
Special Constable	
Retained Fire Fighter	
Study / Training	
Career Break	
Other (please specify)	

Please provide further details of your reason(s) for requesting leave:

Is this time off requested as: PAID / UNPAID

Signed: Date Request Submitted:

Authorisation					
<b>Request Approved by the relevant member of the TLT as outlined in section 6:</b>	YES / NO	<b>Signed:</b>		<b>Date:</b>	
<b>Leave agreed as:</b>	PAID / UNPAID	<b>Days paid:</b>		<b>Days unpaid</b>	

Total Number of days taken for this purpose in current year:

**Completed form to be scanned and sent to Trust Finance Manager for processing**

# Appendix B: Associated Policies and Guidance

## **For all Employees:**

- Maternity Information Pack
- Adoption Information Pack
- Maternity Support Leave Information Pack
- Shared Parental Leave Information Pack

## **For Support Staff employed under Kent Scheme Conditions of Service:**

- Kent Scheme Conditions of Service
- Carers Leave Guidance
- Reserve Forces Leave Guidance
- Time Out Guidance

## **For Teachers:**

- Conditions of Service for Teachers in England & Wales 'The Burgundy Book'

## Appendix C: Summary of Special Leave Entitlements

Leave Type	Eligibility	Time off which may be requested*	Payment
<b>Emergency Dependent Care Leave</b>	All Employees	Reasonable time at the discretion of the to the relevant member of the TLT as outlined in section 6	Unpaid
<b>Personal Leave</b>	All Employees	Up to 10 working days, pro rata	Paid
<b>Carers Leave</b>	Support Staff employed on Kent Scheme Terms**	Up to 5 working days, pro rata	Paid
<b>Parental Leave</b>	All Employees with 1 year's continuous service and parental responsibilities	Up to 18 weeks in total for each child aged 18 or under. Max of 4 weeks in any 12 month period	Unpaid
<b>Religious Observance</b>	All Employees	Reasonable time at the discretion of the to the relevant member of the TLT as outlined in section 6	Unpaid or Annual Leave
<b>Jury Service</b>	All Employees	Up to 10 days may be extended where case continues	Paid Loss of earnings payment from court off set against normal salary
<b>Public Duties</b>	All Employees	Up to a total of 18 days for all public duties undertaken	Paid
<b>Trade Union Duties</b>	All Employees	Reasonable time at the discretion of the to the relevant member of the TLT as outlined in section 6 and in accordance with the School's Facilities Agreement	Paid
<b>Reservist Training</b>	All Employees	At the discretion of the relevant member of the TLT as outlined in section 6 up to 2 weeks	Unpaid
<b>Reservist Mobilisation</b>	All Employees	As per mobilisation period – up to 12 months	Unpaid Employee receives payment directly from MOD
<b>Special Constables / Retained Fire Fighters - Training</b>	All Employees	At the discretion of the relevant member of the TLT as outlined in section 6 up to 2 weeks	Unpaid
<b>Special Constables / Retained Fire Fighters</b>	All Employees	Reasonable time at the discretion of the relevant member of the TLT as outlined in section 6	Reasonable Paid leave at the discretion of the relevant member of the TLT as outlined in section 6
<b>Study / Training</b>	All Employees	Reasonable time off at the discretion of the relevant member of the TLT as outlined in section 6. Employee may be required to make up lost time	Unpaid
<b>Timeout – Career Break</b>	Support Staff employed on Kent Scheme Terms with at least 2 years continuous service**	Between 2 months and 1 year. Only 1 career break will be granted during course of employment	Unpaid
<b>Time Off – legal proceedings</b>	All Employees	Reasonable time at the discretion of the relevant member of the TLT as outlined in section 6	Unpaid
<b>Unpaid Leave</b>	All Employees	Up to 6 months at the discretion of the relevant member of the TLT as outlined in section 6	Unpaid

\* per academic year unless otherwise stated

\*\*these leave provisions may be extended to other staff groups at the discretion of the school



## Appendix D: Carer Registration Form

You may apply for additional paid leave, on an emergency or short-term basis, if you look after or provide support to a relative, child, friend or partner who, because of disability, illness or old age cannot manage without help. You may or may not live with the person that you care for and it doesn't matter if you are not the only person providing care, so long as you are personally involved.

This applies to employees with regular hours contracts on Kent Scheme terms and conditions of employment and those employed under the terms of the School Teachers' Pay and Conditions

To register as a carer, please complete this form and send directly to the relevant member of the Trust Leadership Team to prompt a carer support plan discussion (see Carer Leave guidance for more information).

This is a strictly confidential structured discussion between you and the relevant member of the Trust Leadership Team. The discussion will be aimed at understanding your needs at work and how these may be met. This discussion and the resulting jointly agreed plan should be recorded in writing.

<b>Name:</b>	
<b>Job Title:</b>	
I confirm that I have a caring responsibility and wish to arrange a carer's support plan discussion.	
<b>Sign:</b>	
<b>Date:</b>	

Return form to the relevant member of the Trust Leadership Team as outline in section 6, Delegated Responsibility, of the Trust's Special Leave Policy