Leigh Primary School

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'Caring, Sharing and Learning Together'

Special Leave Policy

	Signed	Date
Approved by Governing Body	Governing Body	22/06/26
Chairman of Governors	Dave Dorrell	22/06/26
Co-Headteachers	Jenna Halfhide and Joanne Shobbrook	22/06/26

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Guidance Note:

This policy has been developed by Cantium for use in all Schools and Academies.

Kent Schools
The Local Authority expects that all KCC Community and Voluntary Controlled Schools will use this document as the basis for their Special Leave Policy. This document is also strongly recommended for consideration for adoption by Foundation and Aided Schools.

This document has been shared with representatives of KCC's recognised trade union / professional associations for comment. Schools are advised to ensure staff and unions have the opportunity to comment on the proposed policy prior to the document being formally adopted by Governors.

Part A - Policy

1. Policy Statement

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

The School 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 school.

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

This procedure explains:

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

It does not address absences for reasons of personal sickness or family related leave which are set out in other procedures. Please refer to Appendix 2 for details of other associated leave policies and guidance.

2. Scope

This Policy and Procedure applies to all Employees of Leigh Primary School.

Depending on the circumstances under which the leave is requested it might be appropriate for an Employee to combine different entitlements. The School may also guide an Employee to other more appropriate types of leave which may be requested given the circumstances.

Where employees have transferred to a School/Academy under TUPE legislation they will continue to benefit from the terms applicable pre-transfer whilst they remain in their current post. The School may consult with staff to change these terms at a later date

3. Adoption Arrangements and Date

This procedure was adopted by the Governing Body of Leigh Primary School on 22/06/26 and supersedes any previous Special Leave Policy and Procedure.

This policy/procedure will be reviewed by the Governing Body of Leigh Primary School every 2 years or earlier if there is a need. This will involve consultation with staff where there are material changes. Staff are welcome to share the policy with their trade union representatives; however, the school as this is a KCC policy which has been developed in consultation with recognised trade unions already.

4. Responsibilities of the School / Headteacher

- To consider requests for leave fairly and equitably in accordance with the provisions of this policy and 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 School; to ensure that granting an Employee leave does not have a detrimental impact on the school 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.

5. Responsibilities of the Employee

- To make any request for leave in accordance with the provisions and timescales set out in this policy and procedure
- To take leave only for the specific purpose for which it is requested.
- To make the School 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 staff other than the Headteacher. References to the role of the Headteacher in the policy and procedure includes the Deputy Headteacher.

In the case of the Headteacher requests for Special Leave will be managed by the Chair of Governors.

7. Monitoring of special leave

In order to manage special leave effectively the School will record, monitor, and review requests and leave granted, on an individual and whole School basis.

Part B - Procedure

8. Emergency Dependent Care Leave

Guidance Note:

All Employers have a legal obligation to grant reasonable unpaid time off to allow Employees to deal with an emergency situation concerning a dependant. What constitutes 'reasonable' is not defined in law and may vary depending on the circumstances.

Sufficient time should be granted to allow the Employee to deal with the immediate emergency and make alternative arrangements. Often a few hours may be sufficient. Generally, no more than 1 or 2 days would be granted on each occasion.

It should be noted that Schools have discretion to make payment for time off under this provision – if this is the case the terms under which payment will be made should be set out in this policy.

Entitlement

The School has a statutory obligation to grant Employees a reasonable period of unpaid time off work to deal with unforeseen or emergency situations involving a dependent who relies upon the Employee for assistance.

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

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.

All such time off will be unpaid.

Time off for non dependents 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 Headteacher for consideration, on behalf of the governing body. The School recognises that it may not always be possible for the Employee to notify the Headteacher of the need to take emergency time off in advance, however the Employee should inform the Headteacher

of the need to take time off as soon as reasonably practicable. This should be via telephone, not email or text message.

The Employee should advise the Headteacher 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 Headteacher 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 School will monitor absences and may address this with Employees where the number or duration of such absences are causing concern.

The Headteacher 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 care for their child during the pre-planned closure of their school

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

The decision of the Headteacher is final and there is no right of appeal.

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

9. Personal Leave (formerly Compassionate Leave)

Guidance Note:

There is no statutory right to personal leave (sometimes referred to as Compassionate Leave) although paid leave is widely considered as best practice in such circumstances.

The arrangements set out below apply to the enhanced provisions for Support Staff employed on Kent Scheme Conditions of Service which allows for up to 10 days of paid personal leave in any academic year. KCC expects that Teaching Staff within Kent Community and Voluntary Controlled Schools benefit from comparable provisions. Comparable provisions are also suggested for teaching staff in Kent Voluntary Aided and Foundation Schools.

Personal or compassionate leave may be granted at the discretion of the Headteacher on behalf of the governing body to allow an Employee to attend to urgent or unforeseen personal circumstances.

The school 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.
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.

Immediate family is defined as the Employee's spouse, civil partner, partner, parent, child, stepchild, 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

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

Requesting Leave

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

The School recognises that it may not always be possible for the Employee to notify the Headteacher of the need to take compassionate leave in advance. The Employee should inform the Headteacher of the need to take compassionate leave as soon as reasonably practicable. The Employee should advise the Headteacher 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 each considered on a case by case basis.
The decision of the Headteacher 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 School.
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 Dependent Care Leave.
Personal Leave should be recorded separately to any other leave which may be taken.

10. Carers Leave

Guidance Note:

From 6th April 2024 Employees are entitled to take up to a weeks unpaid leave in any year to arrange care for a dependant.

In addition there are enhanced provisions for Support Staff employed on Kent Scheme Conditions of Service which allows for up to 5 days of personal leave to be taken as Carers Leave in any academic year.
KCC expects that Teaching Staff within Kent Community and Voluntary Controlled Schools benefit from comparable provisions. Comparable provisions are also suggested for teaching staff in Kent Voluntary Aided and Foundation Schools

There may be occasions, where, on a short-term basis, Employees may require time off to meet their caring commitments. In this situation an Employee may request to take Carers' Leave.

Statutory Entitlement to Unpaid Carers Leave

From 6th April 2024, Employees are entitled to request unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

The dependant does not have to be a family member. It can be anyone who relies on the Employee for care.

1 week may be requested in every 12-month period. A 'week' equals the length of time an Employee usually works during a 7-day period. (for example where an Employee works 3 days a week – one week of parental leave equals 3 days). Leave may be taken as a whole week or as individual days or part days.

Employees are entitled to request carer's leave from their first day of work.

Requesting time off

All requests should be made in advance to the Headteacher. 3 days notice should be given where the request is for a day or half day. Where the request is for more than one day the notice period should be twice that of the period of leave.

Requests for leave under this provision will not be refused but in exceptional circumstances, where granting leave would cause serious disruption to the operation of the School, an Employee may be asked to take the time off at another time within the next month.

Enhanced Entitlement
Up to 5 days of an Employee's paid Personal Leave entitlement can be requested to be taken as Carers' Leave 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 or accident
- Taking a relative to a hospital appointment.

Eligibility

To be eligible the Employee should:

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

It should be noted that this paid provision is offered in place of the statutory provisions. The total amount of time which is allowed off under either the enhanced or statutory provisions is 5 days in any year.

Requesting Leave

All requests should be submitted to the Headteacher for consideration.

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

In order to consider the request, the Employee will be required to provide the Headteacher with information regarding the nature of their caring commitments. This discussion will allow the Headteacher 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 Headteacher.

The Employee should inform the Headteacher of the specific days / times they wish to request Carers' Leave as soon as reasonably practicable. The Employee should advise the Headteacher 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 Headteacher 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 School.

This provision is in addition to any flexible working arrangements which may be agreed.

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

11. Time off for Fertility Treatment

Guidance Note:

There is no statutory entitlement to time off for fertility treatment but it is increasingly regarded as best practice

The arrangements set out below apply to the enhanced provisions for Support Staff employed on Kent Scheme Conditions of Service which allows for up to 10 days leave at normal contractual pay and for leave to be taken on a continuous basis or as individual days.

KCC expects that Teaching Staff within Kent Community and Voluntary Controlled Schools benefit from comparable provisions. Comparable provisions are also suggested for teaching staff in Kent Voluntary Aided and Foundation Schools.

Employees are invited to inform the Headteacher as soon as any plans to undergo fertility treatment have been confirmed to enable the School to consider how best to provide support.

Entitlement

It is the School's policy to allow up to 10 days paid leave per year from an Employee's Personal Leave entitlement for the purposes of fertility treatment. This entitlement is pro rata for part time staff.

Please refer to the School's Special Leave Policy for further guidance about how the Personal Leave Entitlement may be used.

Eligibility

This provision is available to male and female Employees undertaking fertility treatment and is pro rated where an employee works part time. Time off may be requested as full or part days.

Requesting Leave

Time off for fertility pre treatment investigations and appointments is to be requested in the same way as for other medical appointments.

Where an Employee requires time off beyond the permitted number of paid days they may request annual leave (where they are employed on an all year round contract) or unpaid leave. Flexible working arrangements may also be considered, at the Headteacher's discretion, during a period of treatment.

It should be noted that Personal Leave is a discretionary benefit and can only be taken with the prior agreement of the Headteacher. Any Employee who wishes to request time off is asked to:

- endeavour as far as is reasonable to arrange appointments at times that will cause the minimum amount of inconvenience to the organisation; and
- give as much notice as possible of the days on which time off is required

Should the consequences of fertility treatment make the Employee unfit for work a 'fit note' is required from the first day of absence. Usual sick pay entitlement would apply.

Any information disclosed to the Headteacher will be treated with the strictest confidence.

12. Parental Leave

Guidance Note:

This is a Statutory Right under the Employment Relations Act 1999. Statutory parental leave is unpaid – however employers have discretion to enhance these terms.

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. A 'week' equals the length of time an Employee usually works during a 7 day period. (for example where an Employee works 3 days a week – one week of parental leave equals 3 days)

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

All parental leave will be unpaid.

Leave may be taken in periods of no less than 1 week and 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:

- which commences up to and including 5th April 2026 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.

For leave starting on or after 6th April 2026 the requirement for Employees to have completed at least one year's continuous service is removed, and there is no minimum service requirement, however the eligibility requirement for the Employee to be the parent or adoptive parent of a child who is under 18 years of age remains.

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 Headteacher for consideration.

Requests for parental leave should be made in writing to the Headteacher 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 or 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 soon as practicable if the child is born prematurely.

The School 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 Headteacher within 7 working days of the request being made.

The decision of the Headteacher is final and there is no right of appeal.

The School will keep a record of the amount of leave taken in order 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 School may ask an Employee to postpone a period of parental leave if their absence would be detrimental to the operation of the School. 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 School will discuss the reasons for this and suitable alternative dates with the Employee. The School 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 Employee has been employed by the new Employer for 12 months.

The School reserves the right to contact previous Employers to verify the amount of unused entitlement an Employee has. Upon request the School may also share information with a new Employer regarding the amount of parental leave taking during employment.

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.

13. Parental Bereavement Leave

Guidance Note:
Since April 2020 there is a statutory obligation to grant paid parental bereavement leave to all Employees following the death of a child. Statutory Parental Bereavement Pay should be given where an Employee has at least 26 weeks continuous service and has earnt in excess of the Lower Earnings Limit in the 8 weeks prior to the week before the bereavement occurs.

Employers have discretion to enhance these terms.

The arrangements set out below apply to the enhanced provisions for Support Staff employed on Kent Scheme Conditions of Service which allows for up to 10 days leave at normal contractual pay and for leave to be taken on a continuous basis or as individual days.

KCC expects that Teaching Staff within Kent Community and Voluntary Controlled Schools benefit from comparable provisions. Comparable provisions are also suggested for teaching staff in Kent Voluntary Aided and Foundation Schools.

Employees may request a period of parental bereavement leave in the event of the loss of a child under the age of 18 or in the event of stillbirth after 24 weeks of pregnancy.

Entitlement

Regardless of an Employee's length of service up to 2 calendar weeks leave will be granted. This leave may be taken as a single block or 2 separate weeks. A 'week' equals the length of time an Employee usually works during a 7 day period. (for example where an Employee works 3 days a week – one week of parental leave equals 3 days)

Bereavement leave may be taken within 56 weeks from the date of the bereavement.

Statutory Parental Bereavement pay will be paid to qualifying Employees with more than 26 weeks continuous service with the School and who earn above the lower earnings limit. Employees who do not qualify for statutory parental Bereavement pay will be entitled to unpaid leave.

In the case of Kent Community and Controlled Schools
Employees on Kent Scheme Conditions of Service will receive their normal contractual pay during any period of Parental Bereavement Leave, regardless of their length of service. They may also take leave in periods of single day or a few days providing the total number of days leave does not exceed 10 working days (pro rata for part time staff).

Eligibility

Employees are eligible for parental bereavement leave where they are the legal parent or in circumstances where they are the primary carer and have a parental relationship with the child. This includes being the biological or adoptive parent or acting as legal guardian, foster parent, kinship carer or where a court order is in place giving the Employee legal responsibility for the care of a child.

For eligibility details please refer to Statutory Parental Bereavement Pay and Leave: Check if you're eligible - GOV.UK (www.gov.uk)

Requesting Leave

In view of the nature of this type of leave it is recognised that requests are likely to be made with little or no notice where leave is to be taken very soon after the date of bereavement.

Where leave is taken up to 8 weeks (56 days) after the date of bereavement, Employees are required to notify the Headteacher that they are exercising their entitlement to take parental bereavement leave as soon as is practicable.

Where leave is taken more than 8 weeks (56 days) after the date of bereavement, Employees are required to give 1 weeks' notice of their intention to take leave.

Taking leave in conjunction with other types of statutory leave

The right to request Parental Bereavement Leave is in addition to any period of Personal (Compassionate) Leave which may be granted, or statutory family related leave they may be entitled to.

Should an Employee be taking statutory maternity, paternity or shared parental leave when the bereavement takes place, Parental Bereavement Leave, if requested, will start after this other leave has ended. It does not need to start immediately after but must be taken within 56 weeks of the date of stillbirth.

14. Time Off for Religious Observance

Guidance Note:

There is no statutory obligation for an employer to grant time off for religious observance - however. Employers who refuse requests could leave themselves open to a challenge of discrimination under the Equality Act 2010.

There is no obligation to pay an Employee whilst taking such leave – however Employers have discretion to enhance these terms.

The School 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 School will endeavour to grant reasonable time off in so far as practicable taking into account the needs of the school. The School reserves the right to decline requests where this would have a detrimental impact on the operation of the School 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.

Teachers and support staff employees who are contracted on a term time only basis and who therefore have no entitlement to take annual leave should request unpaid leave where 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 Employees requesting annual leave for the purpose of religious observance.

Requesting leave

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

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

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

The decision of the Headteacher is final and there is no right of appeal.

The outcome of the request will be confirmed in writing.

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

15. Jury Service

Guidance Note:

Employers must grant Employees time off for jury service – although an application can be made to the court to defer the service. Failure to grant leave may be regarded as contempt of court.

There is no obligation to pay an employee whilst on jury service – however in maintained Schools it is usual practice to make provision for paid leave as outlined below.

The School 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 School

The Employee should advise the Headteacher 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

In the first instance up to 10 days leave will be granted. The Employee must advise the Headteacher as soon as they are notified that the case on which they are serving is likely to continue beyond the initial 10 day period. The School will extend jury service leave in these circumstances

Should the Employee not be required to attend court for any whole or part day they should notify the Headteacher. The School may require the Employee to return to work for this period. This may vary depending on the circumstances.

If the jury service ends before the expected 10-day period, the Employee will be expected to return to work.

Payment

The time off for jury service will be paid at normal contractual pay. The 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 claim the entitlement payable by the Court** and provide the Headteacher with a Loss of Earnings Certificate obtained from the Court. The Headteacher 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 Headteacher to enable the amount paid by the court to be deducted from the Employee's salary.

16. Time Off for Public Duties

Guidance Note:

There is a statutory obligation for all Employers to grant reasonable unpaid time off for certain public duties.

Support Staff employed on Kent Scheme Conditions of Service are entitled to request up to 18 days leave per year for this purpose. Schools may, at their discretion, extend this provision to staff employed on Teaching terms. Comparable principles are recommended where this provision is extended to other staff groups.

Academies, which do not follow Kent Scheme Conditions of Service may wish to determine their own arrangements.

There is no prescribed notice requirement. In assessing what is reasonable Schools / Academies should consider how much time is being requested / how much time has been taken / the impact of the absence and the circumstances.

The School 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 / Academy Governor – either in the school where the individual is employed or another School / Academy.

Total Time off for all public duties undertaken 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 Headteacher where they are a member or intend to become a member of a public organisation where they may be entitled to leave under this provision. The Employee should discuss with the Headteacher 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 Headteacher for consideration, on behalf of the governing body.

Employees should give reasonable written notice should they wish to request leave for public duties in order to enable the School to assess the impact of granting leave. 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 School will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the school. The School 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 School or cause undue disruption to other Employees.

Each request will be considered on a case by case basis.
The outcome of the request will be confirmed in writing.
The decision of the Headteacher is final and there is no right of appeal.
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.

17. Time off for Trade Union Duties

Guidance Note:

Employers have a statutory obligation to grant reasonable paid time off for Trade Union duties. In assessing what is reasonable Schools / Academies should consider how much time is being requested / how much time has been taken / the size of the academy / impact on the academy / operational requirements.

Where Academies recognise Trade Unions – they should ensure that they have a recognition and facilities agreement in place.

The School 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 Headteacher 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 Headteacher 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 Headteacher and time off may be declined where this may have detrimental impact on the operation of the School.

For Schools
Arrangements under this provision are set out in KCC's Recognition and Facilities Agreement and Burgundy Book (for Teachers)

For Academies
Arrangements under this provision are set out in the Academy's Recognition and Facilities Agreement.

18. Reservists

Guidance Note:

An Employer cannot refuse to grant leave to a Reservist who is mobilised for military service however the School / Academy may apply for an exemption order where their absence might result in 'significant harm' to the organisation. There is no requirement to pay an employee who is mobilised.

Further guidance on an Employer's statutory obligations towards Reservists is available at
Rights and responsibilities for reservists and employers : Mobilisation - GOV.UK (www.gov.uk)

KCC expects that Teaching Staff within Kent Community and Voluntary Controlled Schools benefit from comparable provisions. Comparable provisions are also suggested for teaching staff in Kent Voluntary Aided and Foundation Schools.

Eligibility

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

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

Notifying the School

The School requires that all new recruits or existing Employees inform the Headteacher as soon as possible where they are or intend to become, reservists.

The School 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 School term, where possible.

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

The Headteacher 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 reservist training is at the discretion of the Headteacher.

Call up for Military Operations

Should an Employee be called up they should advise the Headteacher 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 Headteacher for consideration, on behalf of the governing body.

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

The Headteacher 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.

Payment

It is not the School'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.

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

End of the Mobilisation Period

As far as is practical the Employee should notify the School as soon as they are aware their period of mobilisation is due to end. In all cases the Employee must write to the Headteacher no later than the 3rd Monday after their final day of military service to advise them of their wish to return to work.

The Headteacher may meet with the Employee to discuss the arrangements for their return. Consideration will be given to support or training which may be appropriate to support the Employee in their reintegration to the workplace.

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.

19. Special Constables and Retained Fire-fighters

Guidance Note:
There is no statutory obligation to grant time off for this purpose.
Where time off is granted this may be paid or unpaid. Employers have discretion to specify how many days leave they will permit or may allow reasonable time off.

The School will grant reasonable leave to Employees for the specific purpose of undertaking the duties of a Special Constable or Retained Fire-fighter.

Notifying the School

The School requires that all new recruits or existing Employees inform the Headteacher as soon as possible where they are, or intend to become, 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 Headteacher as soon as practically possible.
The Headteacher 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 Headteacher.

Requesting Leave

Employees should advise the Headteacher 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 Headteacher for consideration, on behalf of the governing body.

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

The outcome of the request will usually be confirmed in writing by the Headteacher.

20. 'Timeout' / Career Break

Guidance Note:

There is no statutory entitlement to a career break. This provision applies to support staff employed on Kent Scheme Terms and Conditions. Schools may extend this provision to other staff groups.
Comparable principles are recommended where this provision is extended to other staff groups.
For Support Staff the terms under which a Career Break is granted are specified in the Kent Scheme Conditions of Service and associated guidance available on www.kelsi.org.uk;

The School 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 School (*or amend as appropriate)*.

Eligibility

Employees employed on Kent Scheme Terms and Conditions, with at least 2 years continuous service with Kent County Council (in the case of community / controlled Schools) or the School (in the case of voluntary aided or foundation Schools) are eligible to request time off under this provision.

To qualify an Employee needs 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 School wishes to retain
- How they intend to use the time away from work.

Requesting Leave

All requests should be submitted to the Headteacher for consideration, on behalf of the governing body.

Any request for time off must be made in writing to the Headteacher 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 Headteacher 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 school. The School reserves the right to decline requests where this would have a detrimental impact on the operation of the School, cause undue disruption to other Employees 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. Where a request is declined the reasons for this will be stated.

The decision of the Headteacher is final and there is no right of appeal.

Payment

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

21. Time off in relation to legal proceedings

The school will allow reasonable time off in relation to legal proceedings not related to work matters.

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

Such time off will be unpaid.

The Employee should advise the Headteacher 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.

22. Adverse Weather Conditions & Unforeseen Disruption

Guidance Note:

School may wish to specify any local provisions in place regarding arrangements for adverse weather conditions and unforeseen disruption.

Maintained Schools should also have due regard to any guidance issued by Kent County Council regarding the management of staff during adverse weather conditions.

There may be occasions where Employees experience difficulties attending work during periods of adverse weather or where there are disruptions to road and / or public transport. Employees are advised to consider reasonable contingency arrangements in these circumstances.

Employees have a contractual duty to report to work and should make every reasonable effort to attend work even if their arrival is delayed.

However, the Headteacher 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 Headteacher determines that the 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 school's sites.

Employees should endeavour as far as is possible to make contingency arrangements in the event that their child's school is closed or usual child care arrangements disrupted.

Paid absence during periods of adverse weather or unforeseen disruption is entirely at the discretion of the Headteacher and will only be granted with the prior approval of the Headteacher. Paid leave should only be considered once all other reasonable options - including working from home or / at another site / making up lost time / taking annual leave have been considered.

23. Unpaid leave

The School will exceptionally grant unpaid leave for reasons others than those specified in this procedure. The maximum period of unpaid leave that may be requested in any academic year is 6 months.

Requests for such leave should be made in writing to the Headteacher. Each request will be considered on a case by case basis, balanced against the operational needs of the School and granted at the discretion of the Headteacher.

The outcome of any request and any terms relating to the leave will be confirmed in writing.

The decision of the Headteacher is final and there is no right of appeal

24. Pension Considerations

Certain periods 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.

25. 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 has been made, the School may, after appropriate investigation address the matter though its disciplinary procedure.

Where an Employee is believed be making excessive use of discretionary leave provisions, beyond that which is judged reasonable for the purpose for which it is requested, this may be addressed by the Headteacher using the appropriate policy.

26. Unauthorised Absence

Where an Employee:

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

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

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

27. Disputes

Each request will 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.

The decision of the Headteacher is final and there is no right of appeal.

Employees should discuss the reasons for any refused leave requests informally with the Headteacher.

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

28. Record Keeping

Notes may be taken of all discussions and formal / informal meetings held with Employees to 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.

Separate records should be kept of the number of days leave requested and granted under each of the special leave provisions

Appendix A: Special Leave Request Form

Employee Name:

Job Title: **Department:**

Date Leave Requested	From To
Total Number of Days Requested	Days

Reason	**Please tick**		**Please tick**
Emergency Time Off for Dependents		Time Off for Trade Union Duties	
Personal (Compassionate) Leave		Reservist	
Carers Leave		Special Constable	
Parental Leave		Retained Fire Fighter	
Time Off for Religious Observance		Adverse Weather / Unforeseen Disruption	
Jury Service		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					
Request Approved by Headteacher:	YES / NO	Signed:		Date:	
Leave agreed as:	PAID / UNPAID	Days paid:		Days Unpaid:	
Total Number of days taken for this purpose in current year:					

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
- Jury Service Guidance*
- Reserve Forces Leave Guidance*

For Support Staff employed under Kent Scheme Conditions of Service:

- Kent Scheme Conditions of Service
- Carers Leave Guidance*
- Time Out Guidance*

For Teachers:

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

* Available www.kelsi.org.uk;

Appendix C: Summary of Special Leave Entitlements in Kent Maintained Schools

Leave Type	Eligibility	Time off which may be requested*	Payment
Emergency Dependent Care Leave	All Employees	Reasonable time at the discretion of the headteacher	Unpaid
Personal Leave	All Employees	Up to 10 days, pro rata	Paid
Carers Leave	Support Staff employed on Kent Scheme Terms**	Up to 5 days from personal leave entitlement, pro rata	Paid
Parental Leave	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
Parental Bereavement Leave	All Employees	Up to 2 calendar weeks	Paid – statutory pay where eligible or in accordance with school's local policy
Religious Observance	All Employees	Reasonable time at the discretion of the headteacher	Unpaid or Annual Leave
Jury Service	All Employees	Up to 10 days may be extended where case continues	Paid Loss of earnings payment from court off set against normal salary
Public Duties	All Employees	Up to a total of 18 days for all public duties undertaken	Paid
Trade Union Duties	All Employees	Reasonable time at the discretion of the headteacher and in accordance with KCC's / School's Facilities Agreement	Paid
Reservist Training	All Employees	At the discretion of the headteacher up to 2 weeks	Unpaid
Reservist Mobilisation	All Employees	As per mobilisation period – up to 12 months	Unpaid Employee receives payment directly from MOD
Special Constables / Retained Fire Fighters - Training	All Employees	At the discretion of the headteacher up to 2 weeks	Unpaid
Special Constables / Retained Fire Fighters	All Employees	Reasonable time at the discretion of the headteacher	Reasonable Paid leave at the discretion of the Headteacher
Timeout – Career Break	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
Time Off – legal proceedings	All Employees	Reasonable time at the discretion of the headteacher	Unpaid
Unpaid Leave	All Employees	Up to 6 months at the discretion of the headteacher	Unpaid

** per academic year unless otherwise stated*

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