

Viking Academy Trust



Special Leave Policy

The VIKING ACADEMY TRUST 'Special Leave Policy' has been written following HR guidance.

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Signed:

Chair of Trust

Special Leave Policy & Procedure The Viking Academy Trust

'Empowering Children Through Education': One Childhood One Chance

Schools in the Viking Academy Trust (VAT)

Chilton Primary School
Ramsgate Arts Primary School
Upton Junior School

This '**Special Leave Policy & Procedure**' is for all the aforementioned Viking schools.

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Part A - Policy

1 Policy Statement

The Viking Academy Trust 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 Viking Academy Trust also acknowledges that Employees have certain statutory rights in respect of time off work.

The Viking Academy 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 academy.

The Viking Academy Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the schools 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 or family related leave which are set out in other procedures.

2 Scope

This Policy and Procedure applies to **all Employees** of the Viking Academy Trust.

3 Adoption Arrangements and Date

This procedure was adopted by the Trust Board of the Viking Academy Trust in Term 1 2019 and supersedes any previous Special Leave Policy and Procedure.

This policy / procedure will be reviewed by the Trust every two years or earlier if there is a need. This will involve consultation with the recognised 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 Schools 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 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 Monitoring of Special Leave

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

Part B - Procedure

7 Emergency Dependent Care Leave (formerly Emergency Time Off for Dependents)

Guidance Note:

Statutory Right under the Employment Relations Act 1999. There is a legal obligation to 'reasonable' unpaid time off to allow Employees to deal with an emergency situation concerning a dependent. '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.

Entitlement

The Viking Academy 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 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 during School hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependent
- Taking action that is necessary in consequence 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 Head of School for consideration, on behalf of the Trust Board/LAB using the 'Key Survey Form - 'Absence Request Form'.

The Viking Academy Trust recognises that it may not always be possible for the Employee to notify the Head of School of the need to take emergency time off in advance, however the Employee should inform the Head of School of the need to take time off as soon as reasonably practicable.

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

The Head of School 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 dependent to a pre-planned non-emergency appointment.

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 Head of School 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)

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

The Viking Academy 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.

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
- The Trust may wish to specify other occasions where personal leave might be granted - e.g. 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

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

Requesting Leave

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

The Viking Academy Trust recognises that it may not always be possible for the Employee to notify the Head of School the need to take compassionate leave in advance. The Employee should inform the Head of School of the need to take compassionate leave as soon as reasonably practicable. The Employee should advise the Head of School 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 Head of School 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 Head of 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 Time Off for Dependents.

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

10 Carer's Leave

Definition of a carer

There is no single definition of a carer and the Trust is aware there may be employees who do not recognise themselves as a carer but simply a supportive and loyal family member or friend. However, a carer can generally be regarded as a person who provides unpaid support to another person, most commonly a family member or friend, who would not be able to manage without that support. So if the support the employee provides is vital for that person and they are dependent on the employee for it then the employee could class themselves as a carer.

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

Entitlement

Up to 5 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 hospital appointment.

Eligibility

This provision applies to Employees on 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 Head of School for consideration, on behalf of the governing body.

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

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

The Employee should inform the Head of School of the specific days / times they wish to request carers leave as soon as reasonably practicable. The Employee should advise the Head of School 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 Head of School 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 Head of School.

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

All parental leave will be unpaid.

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 Head of School for consideration, on behalf of the governing body.

Requests for parental leave should be made in writing to the Head of School 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 Viking Academy 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 Head of School within 7 working days of the request being made.

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

The Viking Academy Trust 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 Viking Academy Trust may ask an Employee to postpone a period of parental leave if their absence would be detrimental to the operation of the School in which the employee is based. 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 Head of School will discuss the reasons for this and suitable alternative dates with the Employee. The Head of 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 Employer has been employed by the new Employer for 12 months.

The Viking Academy 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 Parental Bereavement Leave

The Viking Academy Trust is committed to provided support to employees who experience loss in their lives and, in particular, understands that the death of a child, or a stillbirth, can be one of the most harrowing experiences in someone's life. This section explains the rights to time off, pay during time off and other support offered.

Eligibility

Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. You may take parental bereavement leave if you fall into any one of the following categories:

- A natural parent
- An adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing.
- A natural parent where the child has been adopted but a court order exists to allow the natural parent to have contact with the child.
- An employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt.
- An intended parent under a surrogacy arrangement where it was expected that a parental order would be made.
- A 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers.
- The partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

Length of leave and how it may be taken

A total of two weeks may be taken as parental bereavement leave and you may choose to take leave as:

- A single block of one week
- A single block of two weeks
- Two separate blocks of one week

Leave may start on any day of the week and must be taken in whole weeks. It may be taken at any time in the 56 week period following the death.

If you have suffered a stillbirth after 24 weeks of pregnancy, you are still entitled to take your full entitlement to maternity and paternity leave, provided that you were eligible to take maternity and paternity leave in the first place, in addition to parental leave. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

You do not need to give any advance notice of taking parental bereavement leave.

Payment during leave

You will qualify for statutory parental bereavement pay during leave if you meet the following criteria:

- You have been continuously employed with us for 26 weeks by the week prior to the week in which the child dies.
- Your normal average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes.
- You are still employed by us on the date the child died.

Counselling

We have access to counselling services provided via Staff Care Services and we would encourage employees to use this service in the event of a bereavement.

13 Time Off for Religious Observance

The Viking Academy 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 Viking Academy Trust will endeavour to grant reasonable time off in so far as practicable taking into account the needs of the school. The Viking Academy Trust 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.

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 Head of School for consideration, on behalf of the governing body.

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 Head of School 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 Viking Academy Trust will endeavour to grant reasonable time off in so far as is practicable and taking into account the needs of the Schools. The Viking Academy Trust 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 staff.

The decision of the Head of School 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.

14 Jury Service

The Viking Academy 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 Academy

The Employee should advise the Head of School 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 Viking Academy Trust will extend this in instances where the case continues beyond this period.

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

If the Employee's 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. 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 Head of School with a Loss of Earnings Certificate obtained from the Court. The Head of School 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 Head of School to enable the amount paid by the court to be deducted from the Employee's salary.

15 Time Off for Public Duties

The Viking Academy 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 / Academy Governor - either in the school where the individual is employed or in another School / Academy

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 Head of School should they be a member of a public organisation who may be entitled to leave under this provision. The Employee should discuss with the Head of School 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 Head of School for consideration, on behalf of the governing body.

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

The decision of the Head of School 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.

16 Time off for Trade Union Duties

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

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

17 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 Auxilliary Air Force
- Royal Marines Reserve
- Regular Reservists (ex-regular service personnel who may be liable to be mobilised)

Notifying the Viking Academy Trust

The Viking Academy Trust requires that all new recruits who are already reservists or existing staff who become reservists inform the Head of School as soon as possible that they are, or intend to become, reservists.

The Academy 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 Head of School as soon as practically possible.

The Head of School 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 training takes place during the School term the School will grant Employees up to 2 weeks unpaid leave in any year. Any payment for time off for reservist training is at the discretion of the Head of School

Call up for Military Operations

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

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

The Head of School 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 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.

18 Special Constables and Retained Fire-Fighters

The School 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 Head of School as soon as practically possible.

The Head of School 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 Head of School.

Requesting Leave

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

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

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

19 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 for the purpose of undertaking 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 Head of School for consideration, on behalf of the governing body.

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

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

The decision of the Head of School 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 Head of School time off may be paid.

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

Should the Viking Academy 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.

20 'Timeout' / Career Break

The Viking Academy 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 Viking Academy Trust.

Eligibility

Employees employed on Kent Scheme Terms and Conditions, with at least 2 years continuous service with the Academy are eligible to request time off under this provision.

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 School wishes to retain
- How they intend to use the time away from work.

Requesting Leave

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

Any request for time off must be made in writing to the Head of School 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 Head of School 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 academy. The Academy reserves the right to decline requests where this would have a detrimental impact on the operation of the Academy, 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. Where a request is declined the reasons for this will be stated.

The decision of the Head of School 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 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 Head of School 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 Head of School 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 Viking Academy Trust 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 usually be unpaid.

The Employee should advise the Head of School 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

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 Head of School 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 Head of School 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 Trust's sites.

Paid absence in other circumstances is entirely at the discretion of the Head of School and will only be granted with the prior approval of the Head of School. 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 Viking Academy 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 Head of School. Each request will be considered on case by case basis, balanced against the operational needs of the Schools and granted at the discretion of the Head of School.

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

The decision of the Head of School 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 had been made, the Viking Academy Trust may, after appropriate investigation, address the matter through its disciplinary procedure.

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 utilising the leave for the purpose it was requested

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

27 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.

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

Employees should discuss the reasons for any refused leave requests informally with the Head of School.

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

28 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 (electronic version on Key Survey)

Employee Name:

Job Title:

Department:

Date Leave Requested	From	To
Total Number of Days Requested	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					
Request Approved By Head of School:	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

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
Emergency Dependent Care Leave	All Employees	Reasonable time at the discretion of the Head of School	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, pro rata	Paid
Parental Leave	All Employees with 1 years 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
Religious Observance	All Employees	Reasonable time at the discretion of the Head of School	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 Head of School and in accordance with the School's Facilities Agreement	Paid
Reservist Training	All Employees	At the discretion of the Head of School 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 Head of School up to 2 weeks	Unpaid

Special Constables / Retained Fire Fighters	All Employees	Reasonable time at the discretion of the Head of School	Reasonable Paid leave at the discretion of the Head of School
Study / Training	All Employees	Reasonable time off at the discretion of the Head of School. Employee may be required to make up lost time	Unpaid
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 Head of School	Unpaid
Unpaid Leave	All Employees	Up to 6 months at the discretion of the Head of School	Unpaid

* per academic year unless otherwise stated

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