



Kemnal  
Technology  
College



# SPECIAL LEAVE POLICY

This Policy was reviewed:

**June 2023**

The Policy will next be reviewed by TKAT &  
Kemnal Technology College by:

**June 2025**



## **CONTENTS**

INTRODUCTION .....	3
TKAT VISIONS AND VALUES .....	3
EQUALITY, DIVERSITY AND INCLUSION .....	4
SCOPE.....	4
TIME OFF FOR DEPENDANTS .....	4
COMPASSIONATE LEAVE .....	5
PARENTAL BEREAVEMENT LEAVE .....	5
WHO CAN TAKE PARENTAL BEREAVEMENT LEAVE? .....	6
WHAT LEAVE CAN A BEREAVED PARENT TAKE? .....	6
NOTICE TO TAKE PARENTAL BEREAVEMENT LEAVE .....	6
CHANGING YOUR MIND ABOUT TAKING PARENTAL BEREAVEMENT LEAVE.....	7
PAY DURING PARENTAL BEREAVEMENT LEAVE .....	7
RIGHTS DURING PARENTAL BEREAVEMENT LEAVE .....	7
RETURNING TO WORK AFTER PARENTAL BEREAVEMENT LEAVE .....	8
DATA PROTECTION .....	8
OTHER SPECIAL LEAVE PROVISIONS .....	8
UNPAID LEAVE .....	9
SUBPOENAED WITNESSES AND JURORS .....	9
INTERVIEWS .....	9
MEDICAL SCREENINGS .....	9
LEAVE FOR RELIGIOUS OBSERVANCE .....	9
SERVICE IN NON-REGULAR FORCES .....	9
TIME OFF FOR TRADE UNION DUTIES .....	10
ADVERSE WEATHER .....	10
APPENDIX 1 TKAT EMPLOYEE SUPPORT .....	12



## INTRODUCTION

TKAT is committed to being a fair and reasonable employer, and as such acknowledges that there will be times when an employee's absence does not fall under the Absence Management policy, and may be out of their control.

This policy is aimed at supporting employee's and enabling managers to manage absence from work that is unrelated to sickness which is covered by the Absence Management policy, this can be found here.

This policy does not confer an entitlement to the provisions below for employees unless covered by specific legislation. Where it is at the Headteacher/ Manager's discretion this is stated, and in such cases approval for paid or unpaid leave will be at the sole discretion of the Headteacher/Manager. Where an employee is centrally employed, reference to Headteacher/Manager should also be taken to mean line Manager/Director/CEO.

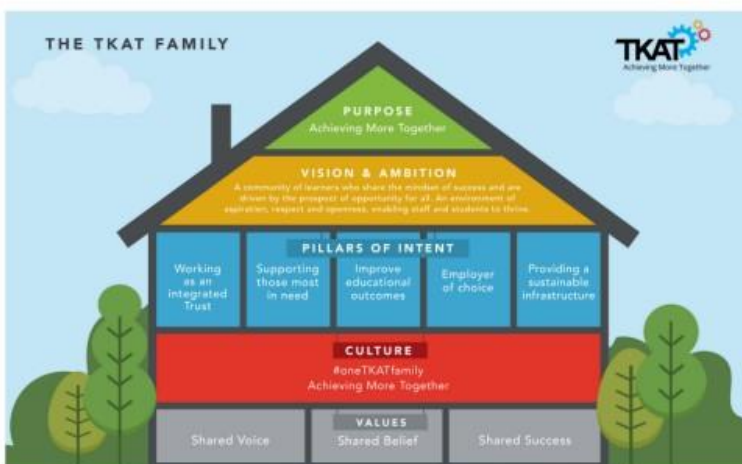
Where an employee feels that any part of this procedure is being applied unfairly to them, they should raise this matter having due regard to the Grievance resolution policy and procedure, this can be found here.

## TKAT VISIONS AND VALUES

The Kemnal Academies Trust (TKAT) aims to foster a culture of the highest professional standards in line with the Trust's purpose, vision and values.

### TKAT - OUR STRATEGY

Our Culture	Our Mission	Our Values
#oneTKATfamily Achieving More Together	TKAT is a Multi-Academy Trust of 45 primary, secondary and special schools in the South and East of England. Our purpose is to work together as a community of schools to ensure that every child, whatever their background, receives a high quality education.	Shared Voice Shared Belief Shared Success





## **EQUALITY, DIVERSITY AND INCLUSION**

The trust is committed to:

- ❖ Promoting equality and diversity in its policies, procedures, TKAT toolkits and other relevant guidance, adhering to the Equality Act 2010.
- ❖ Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged.
- ❖ Conditions that are identified during processes may meet the definition of an 'impairment' under the Equality Act and therefore careful consideration must be given to accommodate reasonable adjustments in the workplace. Should any employee require any reasonable adjustments throughout any identified process within this.

## **SCOPE**

This policy applies to all employees of The Kemnal Academies Trust.

## **TIME OFF FOR DEPENDANTS**

The Headteacher/ Manager may approve up to 3 days paid leave and a reasonable amount of unpaid leave for employees to deal with unexpected circumstances involving dependents, during the Academic year.

A dependant is defined as:

- ❖ A husband, wife or partner who reasonably relies on the employee;
- ❖ A child who reasonably relies on the employee;
- ❖ A parent who reasonably relies on the employee;
- ❖ A person who lives in the same household as the employee except lodgers and other non-dependants.

The employee has the right to take time away from work in order to take necessary action in the following circumstances:

- ❖ To provide help when a dependant falls ill, gives birth or is injured or assaulted;
- ❖ To arrange care for a dependant who is ill or injured;
- ❖ Where the arrangements for care of a dependant are unexpectedly terminated;
- ❖ To deal with an incident involving the employee's child which occurs unexpectedly when the employee is at school. This is intended to provide first day cover until the employee can make alternative arrangements.
- ❖ Absence for the duration of the illness should be in exceptional circumstances only.
- ❖ When a dependent dies, where they are the employee's child the Parental Bereavement section of this policy would apply.



The employee should notify the Headteacher/ Manager that they need time away from work as soon as reasonably practicable. They should also discuss the reasons why the time is necessary and give an indication of how long they expect to be away, where possible.

Consideration should be given to other methods of taking time away from work which may not result in loss of pay for the employee, e.g. annual leave, flexible working where available, compassionate leave etc. Immediate release can be agreed where an emergency arises during the course of the working day. Employees must seek appropriate authorisation from the Headteacher/ Manager before leaving their workplace.

Where there is a pattern of taking dependents leave or the number of days exceeds the expected number of days as set out above, the Headteacher/Manager may arrange a meeting with the employee to discuss this and to explore whether other methods of taking time off may be more appropriate in the circumstances.

## **COMPASSIONATE LEAVE**

The Headteacher/Manager can approve up to 5 days paid leave of absence per annum or alternatively unpaid leave of absence can be granted at their discretion. Consideration to the individual situation will be taken.

Compassionate leave may be granted in the following circumstances but is not limited to these examples:

- ❖ Death of a member of the employee's immediate family and close relative, and attendance at the funeral.
- ❖ Injury or critical illness of an immediate family member and close relatives.

An immediate family member is defined as "a parent, son or daughter". A close relative is defined as "a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-son-in-law, step-daughter, step-daughter-in-law, brother, brother-in-law, sister or sister-in-law." Employees are encouraged to discuss their individual circumstances with their Manager who may apply their discretion with this leave.

It is at the Headteacher/Manager's discretion whether to grant a day to move house, where arrangements cannot be made outside of school time.

## **PARENTAL BEREAVEMENT LEAVE**

We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

This policy sets out our commitment to supporting bereaved parents through their grief by ensuring they can take statutory parental bereavement leave as a minimum.



Headteachers, in conjunction with their Director and HR, may exercise discretion to increase the duration of this type of leave.

The policy applies to employees who suffer the loss of a child under the age of 18 on or after 6 April 2020. This includes parents who suffer a stillbirth after 24 weeks of pregnancy. This leave can be taken in addition to parental leave (included; maternity, paternity, adoption or shared parental leave).

### **Who Can Take Parental Bereavement Leave?**

Whatever the employee's length of service, employee's may take this type of leave if they are the parent of the child who has passed away, or the partner of the child's parent. In general, employees can take this type of leave if they have parental responsibility for the child. This includes adoptive parents.

If an employee has suffered a bereavement, but are unsure if they are entitled to parental bereavement leave, they should contact the Headteacher/Manager for clarification.

### **What Leave Can A Bereaved Parent Take?**

Employees may take two weeks of parental bereavement leave. The period of leave can be taken as:

- ❖ a single block of two weeks; or
- ❖ two separate blocks of one week at different times.

Leave cannot be taken as individual days.

Employee's may take the leave at the time(s) they choose within the 56 weeks after the bereavement, though this should be discussed with the Headteacher/Manager. Employees might choose, for example, to take it at a particularly difficult time such as the child's birthday.

In circumstances where an employee has lost more than one child, employees have a separate entitlement to bereavement leave for each child who has passed away.

### **Notice To Take Parental Bereavement Leave**

If an employee needs to take parental bereavement leave within the first 56 days after the bereavement, this may take place immediately without additional notice. Employees do not have to provide any notice. Employees should notify their Headteacher/Manager no later than when they are due to start work on the first day on which they wish to take leave or, if that is not feasible, as soon as possible.

To take leave more than 56 days after the bereavement, please give the Headteacher/Manager at least one week's notice.



## **Changing Your Mind About Taking Parental Bereavement Leave**

Employees may cancel planned leave and take it at a different time (within the 56 weeks after the bereavement). Where planned leave was due to begin during the first 56 days after bereavement, employees should notify the Headteacher/Manager that they no longer wish to take it before their normal start time on the first day of the planned leave.

Where leave was due to begin more than 56 days after bereavement, employees should let the Headteacher/Manager know at least one week in advance that they wish to cancel it.

Employee's cannot cancel any week of parental bereavement leave that has already begun.

## **Pay During Parental Bereavement Leave**

To receive statutory parental bereavement pay, employee's must have:

- ❖ at least 26 weeks' continuous employment with TKAT (TUPE and continuous employment dates also to be recognised) by the week before the one in which the child passed away (and still be employed by us on the date of the bereavement); and
- ❖ normal weekly earnings in the eight weeks up to the week before the bereavement of at least the lower earnings limit for national insurance contribution purposes.

If employees are unsure if they are entitled to statutory parental bereavement pay, employees should contact their Headteacher/Manager, who will be able to advise.

If employees qualify for statutory parental bereavement pay, they will be paid during the leave at the rate set by the Government, or at 90% of the average weekly earnings where this figure is lower. If not eligible, the leave will be unpaid.

Employees need to give notice of the weeks for which they wish to claim statutory parental bereavement pay.

## **Rights During Parental Bereavement Leave**

During leave, all the terms and conditions of the employee's contract [except normal pay] will continue. Salary/wages will be replaced by statutory parental bereavement pay if eligible for it.

This means that while sums payable by way of salary/wages will cease, all other benefits will remain in place. For example, holiday entitlement continues to accrue. Pension contributions will continue to be paid.



## **Returning To Work After Parental Bereavement Leave**

When employees return to work after some time on parental bereavement leave, they generally have the right to return to the same job.

However, a slightly different rule applies if employees return from time on bereavement leave that follows on immediately from some maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and total time on leave is more than 26 weeks.

In these circumstances, employees have the right to return to the same job, unless this is not reasonably practical - in which case employees have the right to return to a suitable and appropriate job on the same terms and conditions.

This rule also applies if leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave. If an employee is taking parental bereavement leave, but are unsure of their entitlements upon their return, please contact the Headteacher/ Manager in the first instance.

## **Data Protection**

When dealing with parental bereavement leave, we will process any personal data collected in accordance with our data protection policy. In particular, we will record only the personal information required and keep the information only for as long as necessary.

## **OTHER SPECIAL LEAVE PROVISIONS**

There are a number of circumstances in which paid leave of absence is an entitlement. Individual employees should see the Headteacher/Manager for details of the entitlement within the following categories as appropriate:

- ❖ Justices of the Peace
- ❖ Local Authority Members
- ❖ Members of a Committee, Tribunal, Panel, Board of Prison Visitors or similar bodies
- ❖ School Governors
- ❖ Retained Fire-Fighters
- ❖ Election Duties
- ❖ Training for Visually Impaired Employees
- ❖ Leave for Examinations
- ❖ Study (revision) Leave
- ❖ Education & Training
- ❖ Service in Non-Regular Forces
- ❖ Reserved Armed Forces
- ❖ Trade Union Duties and activities
- ❖ Leave for IVF/Fertility treatment





## **UNPAID LEAVE**

Unpaid leave can be approved by the Headteacher/Manager dependent upon the employee's individual circumstances. This will normally apply where the employee requests a period of absence that cannot be managed within other leave provisions.

## **SUBPOENAED WITNESSES AND JURORS**

Employees should inform the Headteacher/Manager who will grant paid leave. Allowances should be claimed by the employee from the Court and these will then be deducted from pay.

The above provision does not apply when attending court in a professional capacity as an employee of The Kemnal Academies Trust.

## **INTERVIEWS**

Paid leave of absence is to be granted within reason for employees to attend interviews within local government and other academies.

The test of reasonableness is at the Headteacher/Manager's discretion.

Should employees be at risk of redundancy or restructure and/or have been served notice of redundancy they will be entitled to reasonable paid time off to look for alternative work and attend interviews. Please refer to the TKAT redundancy policy.

## **MEDICAL SCREENINGS**

Necessary paid time off will be granted for the purpose of cancer screening, other medical screenings will be considered. A medical card or letter needs to be presented.

## **LEAVE FOR RELIGIOUS OBSERVANCE**

Whilst there is no automatic right to take time off to observe religious holidays, the trust aims to be supportive in its approach to employees requests and reasons, therefore leave will be granted where practicable. Consideration regarding pay for this leave will be at the discretion of the Headteacher/Manager and will be applied consistently.

Alternative arrangements such as working time in lieu to avoid a loss of pay where practical will be reasonably considered by the Headteacher/Manager.

For support employees employed on all year round contracts such time off should usually be taken as part of the employee's annual leave entitlement.

## **SERVICE IN NON-REGULAR FORCES**

Two weeks' paid leave of absence may be granted for attendance at summer camp etc. to an employee who is a member of the Non-Regular Forces.



## **TIME OFF FOR TRADE UNION DUTIES**

Elected trade union representatives in the Academy will be entitled to reasonable paid time off to carry out their duties including training. Each recognised union has an allocated amount of paid time allocated to them via the Trade Union Recognition and Facilities Agreement.

Requests for time off to carry out trade union duties should be submitted with enough notice to allow the school to plan for cover arrangements as needed.

At the Headteacher/Manager's discretion the request for time off may be postponed or rescheduled depending on needs of the business. An example of where a request may be rescheduled or postponed is in the case of an Ofsted visit or exams or a training event in school where employee's is required to attend. No application should be rejected without consideration of all the known factors and all requests should be accommodated where possible.

## **ADVERSE WEATHER**

Paid time off work because of adverse weather is at the discretion of the Headteacher/Manager.

All employees have a contractual duty to report for work and are expected to make every effort to attend, even if arrival is delayed. This applies equally to public transport strikes and other emergencies as well as adverse weather.

If it is necessary to close a school, employees are still expected to report for work – unless they are instructed or advised not to (in which case they must be paid as normal) or if they have reasonable belief that by doing so they will place their own or others health and safety at risk.

If an employee does not attend for work on the grounds of adverse weather conditions, they must submit full details to the Headteacher/Manager. If the Headteacher/ Manager is satisfied that all reasonable efforts were made to get to work or that by doing so the employee had reasonable belief that they or others health and safety would be placed at risk, the employee should be paid as normal for the first day; it is expected that alternative arrangements would normally be made to attend subsequently. If the Headteacher/ Manager is not satisfied with the reasons for non-attendance, the absence may be without pay.

As an alternative to paid or unpaid leave of absence, the Headteacher/Manager may exercise one of the following options, according to the circumstances:

- ❖ agree that the employee can work at home (where this is realistic/feasible);
- ❖ arrange for the employee to make up all or some of the absence by working additional hours as agreed;



- ❖ authorise annual leave;
- ❖ agree that the employee may report to work elsewhere.

Employees who are genuinely late for work and/or sent home early because of adverse weather should be paid as normal – although the Headteacher/Manager may require the time to be made up.

If an employee asks to leave early, a deduction should normally be made from pay, unless the request is reasonable having regard to the conditions. Otherwise, it may be appropriate for the time to be made up.

When there are adverse weather conditions, employees should be advised to listen to local radio broadcasts and access the appropriate website, particularly for information about possible closure of the school, and should, if necessary, try to contact the Head Teacher/nominated Manager for advice.

When the school remains open for pupils there needs to be employee's available to teach and supervise; they must, therefore, make every reasonable effort to attend.



## **APPENDIX 1 TKAT EMPLOYEE SUPPORT**

TKAT is committed to continually identifying and investing in platforms of support for employees and students. Below are some of these reliable sources for employees;

<b>SOURCE</b>	<b>LINK</b>
TKAT HR Team	<a href="https://sites.google.com/tkat.org/tkat-hr-one-stop-shop/home">https://sites.google.com/tkat.org/tkat-hr-one-stop-shop/home</a>
Employee Assistance Programme (DAS)	<a href="https://sites.google.com/tkat.org/tkat-hr-one-stop-shop/employee-support/wellbeing">https://sites.google.com/tkat.org/tkat-hr-one-stop-shop/employee-support/wellbeing</a>
Union Representative	NEU <a href="https://neu.org.uk/joining-neu">https://neu.org.uk/joining-neu</a>  ASCL <a href="https://www.ascl.org.uk/join-us">https://www.ascl.org.uk/join-us</a>  NAHT <a href="https://www.naht.org.uk/joinus">https://www.naht.org.uk/joinus</a>  NASUWT <a href="https://www.nasuwt.org.uk/why-join.html">https://www.nasuwt.org.uk/why-join.html</a>  VOICE <a href="https://community-tu.org/join/?comsource=NewWebJoinerMainNav">https://community-tu.org/join/?comsource=NewWebJoinerMainNav</a>  GMB <a href="https://www.gmb.org.uk/join-gmb">https://www.gmb.org.uk/join-gmb</a>  UNISON <a href="https://joining.unison.org.uk/join-unison-today/">https://joining.unison.org.uk/join-unison-today/</a>  UNITE <a href="https://www.unitetheunion.org/">https://www.unitetheunion.org/</a>