

Annual and Special Leave Policy

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* Policies will be reviewed more frequently if legal changes or good practice require

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SECTION A: Annual Leave Policy

1. Policy Statement

It is North Kent College's policy that all employees should be entitled to paid leave every year over and above the statutory minimum leave requirements. The purpose of annual leave being to provide an extended period of leisure time during which employees can have a break from work, relax and therefore return to their jobs refreshed.

Employees shall have the opportunity to take their leave to which they are entitled; Managers will endeavour to ensure that the workload does not prevent this whilst ensuring that the operational needs of North Kent College ("the College") are taken into account.

The purpose of this Policy is to ensure annual leave is managed fairly and consistently across North College and to inform employees of the procedure when applying for leave.

2. Scope

These procedures apply to full time and part time employees on permanent or fixed term contracts. Part time, term time staff (support and sessional teaching) will usually receive payment for their accrued annual leave. This will form part of their hourly pay rate/monthly payments, as detailed in the employment contract.

Other support part time and casual employees will receive proportionate leave entitlement reflecting the hours worked.

3. Legislation

The following legislation applies to this policy:

- 3.1 Working Time Regulations 1998;
- 3.2 Fixed Term Employees prevention of less favourable treatment regulations 2002;
- 3.3 Part time workers prevention of less favourable treatment 2002;
- 3.4 Employment Right 1996;and
- 3.5 Working Time Directive.

4. Responsibilities

Staff Members:

To submit their leave requests in advance and within the policy detailed procedures i.e. the bulk (at least 50%) of an employee's annual leave must be booked by 31 December for that leave year and the other 50% to be booked by the end of January.

Line Manager:

To act reasonably when considering a leave request balancing operational requirements to the individual requests.

HR:

To monitor and provide an accessible electronic annual leave system.

5. Policy Provisions

5.1 Leave year

The annual leave year runs from 1 September to 31 August.

5.2 Annual leave allowances (based on full time working)

Teaching staff/ Academic Managers	37 days
Senior Management Team	37 days
Curriculum Managers	37 days
Senior Support Staff Manager (SCP 41 to 45)	37 days
Support Staff	25 days*

*rising by one day per year to maximum of 30 days per year

Plus public/privilege holidays normally observed in England (currently eight days)

Teaching and academic managers are required to spread their annual leave during the leave year in order to ensure that they fully utilise their full leave entitlement. The Academic calendars for the next three years can be found on StaffNet under HR and the leave schedule which identifies the periods when teaching and academic managers should book leave.

5.3 Basic principles

- 5.3.1 Support employees who join North Kent College will become entitled to the extra day's leave after completing a complete year of service. For example join date 31 March 2011 the extra leave day will be effective from 1 September 2012.
- 5.3.2 Part time employees will accrue annual leave and public/privilege holidays on a pro rata basis using the full time entitlements above.
- 5.3.3 The college believes that in the interest of individual welfare employees should take their full entitlement. Carry-over of leave into a new leave year will only be granted in very exceptional circumstances. The maximum carry over will be five days (pro rata for part time staff) for such exceptional circumstances and the carry over leave must be used by 31 December of the carry over leave year.
- 5.3.4 Annual leave must be booked in advance and is subject to line Managers approval, leave is requested via the HR system. The system sends the request to the Manager who can accept or reject the leave based on the operating and business need.
- 5.3.5 Annual leave will be agreed on first come first serve basis approval from line manager should always be obtained prior to making firm commitments. If leave is not approved and the employee is absent disciplinary action will be taken.
- 5.3.6 The maximum leave normally permitted to be booked in one block equates to 20 working days (four weeks full time). However, leave in excess of 20 days may be considered in exceptional circumstances providing sufficient notice has been provided and suitable operational arrangements can be made to minimise disruption.
- 5.3.7 Public and bank holidays occur on specific dates in the year. They cannot be taken on different days unless by prior agreement. If required to work on a public/bank holiday a day in lieu will be granted. Public/bank holidays are subject to pro rota for part time staff (against FTE) and then based upon their normal working patterns (week days).
- 5.3.8 College closures for efficiency reasons will be published as part of the academic calendar. The college usually closes between Christmas and New Year. This can equate to a minimum of two or maximum of four working days depending on the days the statutory

holidays fall upon. Providing the efficiency closures do not exceed five working days per year, the time off will not affect annual leave. This will only apply to staff who work the full year i.e. 52 weeks per year. However if the efficiency closures during an academic year exceed five working days the college reserves the right to require all staff to use the required number of leave days to cover the closure. Efficiency closures are not guaranteed year on year.

5.3.9 In exceptional circumstances an employee may bring forward leave from the next leave year; such an agreement would be made with a senior line Manager

5.3.10 A new employee will receive a pro rata leave entitlement dependant upon when in the leave year they have joined North Kent College.

5.3.11 Employees may wish to observe religious holidays which do not coincide with North Kent College in such cases they will be required to use their annual leave. In the interests of equality those wishing to take leave on religious festival dates of most significance to them will be given preferential treatment providing such days are booked in advance with as much notice as possible

5.3.12 Cancelling of pre-booked leave at short notice can lead to difficulties and may not automatically be accepted.

Urgent requests for leave due to special unexpected circumstances will be accommodated by negotiation with the line manager.

5.4 Leave and sick leave

If the carry-over is a result of sick leave then providing a doctors note was submitted, and the sickness period exceeded one month only the statutory leave will be carried over but it must be used by 31 December in the new leave year or the outstanding accrued leave will be paid as a lump sum. Such a lump sum will be taxable and subject to national insurance deductions.

If annual leave has been booked in advance and the employee is then sick providing a doctor's note is submitted the leave will be restored, (regardless of length of sickness). Further information is located in the Staff Absence procedure.

If an employee is sick or absent for any other reason on a public/bank holiday the day is foregone

5.5 Leave and Operational arrangements

Teaching and Academic Managers are not expected to take annual leave during term time except in exceptional circumstances and for a short duration.

All staff who work throughout the year (i.e. employed for 52 weeks per year) are expected to be back at work as per the academic calendar.

Only in very exceptional circumstances will leave be granted during the preparation for enrolment and the enrolment period itself.

6. Termination of Employment Contract

On the termination of employment employees will be entitled to receive payment for any outstanding annual leave after a pro rata calculation has been made to reflect the entitlement from the leave year commencement to leaving date. Likewise where the leave entitlement has been exceeded a deduction will be made from the final salary payment.

Annual leave during the notice period will be at the discretion of the line manager and subject to the usual operational considerations.

7. Appeal Procedure

Managers should be advised that all decisions relating to annual leave should be applied consistently. An employee who feels they have been disadvantaged may seek redress via the college grievance procedure if they have been unable to resolve the matter informally.

8. Monitoring

Managers will be provided with regular leave reports in order to monitor that their staff are using their leave entitlements appropriately.

SECTION B: Special Leave Policy

This policy provides guidance on special leave provisions which are in addition to the College's existing policies relating to annual leave, family friendly leave and sickness absence. Some aspects of this part of the leave policy are covered by employment legislation.

1. Compassionate Leave

All requests for compassionate leave should be dealt with sympathetically, sensitively and in a timely manner. Paid leave should or should not be granted based on the circumstances of the case and in accordance with the following.

In the event of the death of an immediate relative (child, partner, parent or sibling) a maximum of four days paid leave is available. Discretion may be exercised by the Manager based on circumstances (e.g. where a funeral is delayed beyond the initial compassionate leave period or where a relative not listed above has been responsible for raising the employee). Advice on these matters can be obtained from Human Resources.

Depending on the circumstances, further leave may be granted on full or partial salary, or without salary and for varying periods. In relation to bereavements which involve travel outside the UK, leave granted will be at the discretion of the Manager or designated nominee and will generally involve a mixture of annual leave/paid compassionate leave/unpaid leave.

Death of a close relative not listed above will normally allow for a member of staff to take paid leave of up to one day. However, discretion may be exercised by the Manager based on the circumstances and responsibilities falling on the bereaved member of staff. Advice on these matters can be obtained from Human Resources.

Depending on the circumstances, further leave may be granted on full or partial salary, annual leave or without salary and for varying periods.

Compassionate leave should be approved by the Manager. In cases of difficulty on either side, or if an individual feels aggrieved, advice may be obtained from Human Resources.

Where, following a period of bereavement leave a staff member is experiencing difficulties, discussion should take place with the member of staff as to the benefit of a referral to Occupational Health or the Employee Assistance programme.

2. Jury Service and Attendance as a Witness

2.1 Jury Service

Members of staff summoned for jury service should inform their Head of Department and HR that they have been summoned as soon as possible so that alternative arrangements can be made to ensure that our students are not adversely affected.

The staff member may be asked to contact the court in order to delay the jury service if suitable cover cannot be arranged within the timeframe or students would be adversely affected. The College recognises that amendments to the jury service dates may not be possible and that the dates are fixed following one date change.

Whilst on jury service the staff member will receive their normal pay. When called for jury service members of staff should make a claim for loss of earnings. Such paperwork should be submitted to the HR team completion prior to court attendance. Payroll will recover the sum advised to them by the Court in relation to loss of earnings. This amount will be deducted from the next salary payment. If the staff member does not provide a court payment receipt the full period of jury service will be deducted from the next available payroll.

2.2 Attendance as a Witness

Paid leave of absence will be granted on the same basis as for Jury Service. In the case of a member of staff who is unofficially requested to be a witness i.e. not by Court Citation, unpaid leave of absence will normally be provided dependent on the circumstances unless the staff member uses their annual leave entitlement.

3. Study Leave

Staff who are required to hold a full teaching qualification are allowed 60 hours per year teaching remission (full time staff member, pro rata for part time staff) when they are actively studying and enrolled onto a PGCE/QTLS/DTLLS qualification. No teaching remission is granted for staff enrolled on year one of the DTLLS programmes or similar programmes.

Managers may at their discretion permit paid leave for staff to sit an exam relating to a programme supported by the College or where the subject is relevant to their College employment.

4. Time Off for Dependants

A member of staff has the right to take a reasonable amount of **unpaid** time off to deal with an emergency involving a dependant and to make any necessary longer-term arrangements. The amount of leave granted will depend on the circumstances of the case. The College does not provide paid leave to deal with such situations.

A dependant is generally defined as the husband, wife, partner, child or parent of the member of staff, or someone who lives in the same household as the member of staff. In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the member of staff for assistance.

Unpaid leave can be requested to cover family emergencies including illness and the breakdown of care arrangements. Some examples would include:

- 4.1 time off to make alternative arrangements where normal childcare arrangements break down;
- 4.2 illness of a child where the member of staff has to provide care for them;
- 4.3 illness of a child requiring hospital treatment;
- 4.4 illness of an adult dependant where the member of staff has to provide care for them;
- 4.5 illness of an adult dependant requiring hospital treatment;
- 4.6 breakdown of usual care arrangements for an adult dependant; or
- 4.7 other family emergencies such as being called to a child's school on an urgent matter.

As this right relates to emergency situations, it will often be difficult to give notice of the intention to request leave. In this sense it is similar to illness and leave should be requested as early as possible after the requirement for leave becomes known. One or two days' leave may be granted to deal with an emergency/unexpected situation but if further leave is required beyond this then other options should be considered and further advice obtained from your Human Resources team.

Subject to agreement with the Manager it may be acceptable for staff to make up the time off rather than taking unpaid leave. Annual leave may also be requested to deal with such situations. Where unpaid leave is being taken this should be notified to Human Resources who will advise the Payroll.

In some cases, for example in relation to the long-term illness of a family member, the member of staff may request more flexible working arrangements or an option

to work on part-time basis, rather than taking additional unpaid leave. This type of request should also be considered sympathetically. Where such arrangements are agreed these will generally be temporary in nature unless both parties agree otherwise.

If an employee is aware in advance that they are going to require time off, another form of leave should be requested, for example, annual leave.

5. Emergency Leave

Where an unexpected event outside of the staff members control occurs such as a burglary, house fire, boiler breakdown, car breakdown the line manager must be informed as soon as is possible so that emergency cover arrangements can be put in place.

The College expects that except in very exceptional circumstances that the staff member will cover their absence by using their annual leave albeit retrospectively. If the staff member has used or allocated their annual leave then the absence will be unpaid.

Should the staff member need to request emergency leave for more than two events in a rolling year then the line manager will consider whether other College action is appropriate.

6. Travel Difficulties due to Adverse Weather

On occasions where travel difficulties arise as a result of adverse weather conditions a member of staff may be granted leave, either paid or unpaid, at the discretion of the Manager. The following guidelines should be considered in such cases.

Managers should ensure that staff are clear what reporting arrangements apply in the eventuality of either inability to get to work or a delay in arrival. This should be consistent with information already provided to staff in the event of sickness or other forms of leave. Staff should maintain regular contact where it is likely that the adverse conditions will persist beyond one day.

In the event that weather conditions deteriorate during the working day and it appears that staff may have difficulty in travelling home, the Principal or his designated nominee should consider whether staff should leave work early. Where the Principal decides to close the College, staff will receive their normal pay for the duration of the closure. Staff are expected to monitor the closure via the College website and return to work when the College re-opens.

Given the wide range of factors that can apply, a decision as to how time off should be categorised is a local one for the Manager. Consistency and fairness of

application of this is important. A number of factors may arise which need to be taken into account in exercising this discretion on an individual basis. These include:

- 6.1 availability of alternative transport - it may be that if trains and/or buses are running the member of staff could be advised to consider these as an alternative to private transport;
- 6.2 ability to work from home- where it is likely that the adverse weather will continue, it may be that, where circumstances permit and depending on the nature of their employment, staff can work from home;
- 6.3 different types of time-off - in extreme circumstances (i.e. where there is a regular or consistent pattern of requests for time-off as a result of adverse weather conditions resulting perhaps from the member of staff having a considerable distance to travel to work or where the member of staff lives in a remote area) consideration should be given to a combination of paid, unpaid or annual leave; and
- 6.4 impaired mobility - where it is known that the member of staff has mobility problems which are exacerbated or caused by adverse weather special care should be taken in reaching a decision.

7. Voluntary Public Service

The College recognises that members of staff should be able to serve on a local authority, as a justice of the peace, as a member of any statutory tribunal, on a Health Board, on a school or college council or governing body, or any similar statutory public body or office authorised by relevant legislation.

Under the terms of relevant legislation, the amount of time which an employee is permitted to take off and the conditions surrounding the taking of such time off are required to be reasonable having regard to the amount of time off required for the duties, the circumstances of the employer's business and the effect of the employee's absence on the running of that business. Because the demands made upon a member of staff and their individual circumstances vary considerably, a member of staff should make a case prior to nomination to their Manager and shall in particular discuss the effect of the commitment or likely commitment on the work of the Department.

At the time of election to membership of a local authority, or of acceptance of nomination to any official body involving a significant daytime commitment, the member of staff should notify their line manager and Human Resources, giving details of the likely timing and frequency of meetings, the total commitment annually, and the arrangements proposed with regard to the member's normal duties.

Members of staff undertaking voluntary public service agreed with their Manager who arrange to carry out their normal duties in full at alternative times will normally continue to receive full salary for such service. Members of staff who do not arrange to carry out their normal duties in full at alternative times are required to claim any attendance allowances available and to arrange with the Payroll for a sum equivalent to the allowances paid to be deducted from their normal salary, which will otherwise continue to be paid in full.

In both cases continuation of salary will be subject to any maximum period established by their Manager, each case being considered on its merits, and due account being taken where any agreed voluntary public service bears a close and direct relationship to duties arising from the member's employment.

If the staff member is a teacher it is unlikely that the College will agree to time off during term times. The staff member will be expected to perform such functions during College vacation periods. The College may also limit the amount of time off for example maximum of 10 days per year time off for Magistrates duties providing the time off is taken outside of teaching time. No teaching remission is available for such time off. Likewise the time off must not result in annual leave being booked when leave would affect the College business and students.

Unpaid leave of absence may also be granted on application to the Department for a member of staff's campaign for election to parliament, or a national legislative assembly.

Requests for special leave for any other purpose, for example participation in national sporting events, should be referred to the line manager for initial consideration. The line manager will consider the impact upon the students and the rest of the team.

All requests for this type of special leave must be submitted in writing to the Manager on an annual basis.

8. Relocation/Moving House

Where a staff member is moving into the local area following their recruitment, their Manager may grant relocation leave (subject to a maximum of two days paid leave) in order for them to make appropriate removal arrangements and settle into their new residence. Any additional leave must be taken as annual leave.

Staff who move house once employed are not entitled to paid leave. Annual leave should be used for such a purpose. If the staff member is a term time only employee who does not have a bookable leave entitlement the line manager may allow them to make up the work time at a later date or authorise unpaid absence.

9. External Interviews/Job Hunting

The College permits staff who are 'at risk of redundancy' to seek alternative work and attend interviews during the consultation and notice periods. The staff member should still provide notice to their line manager of the leave required and be willing to provide documentary evidence if requested. Reasonable requests will be permitted.

Staff in employment who are not at risk of redundancy have no entitlement to paid time off. Annual leave should be booked in advance as normal. The line manager may at his/her discretion permit unpaid leave or allow the staff member to make the time up if feasible.

Appendix A: Return to work in August for next two years:

For the next three years the dates are:

Academic Year	Return to Work Date
August 2015	19 August 2015
August 2016	22 August 2016