



Term time leave of Absence policy

Introduction and policy summary

Unless a member of staff is sick or leave of absence has been authorised the policy of Nailsworth Playgroup can be summarised as:

- If a member of staff is absent from work, she/he shall not be paid for that particular day.
- It is expected that wherever possible matters likely to require the member of staff to be absent are dealt with during Education Provision closure periods.

Nevertheless, it is recognised that certain matters may be outside an employee's control.

This policy outlines circumstances in which leave of absence with or without pay may be granted to any member of staff during term time. In the interests of consistency, Nailsworth Playgroup will adhere to the policy although it cannot be exhaustive and there may be individual cases outside the range of the policy or areas of clarification required with it. In such circumstances, advice will be sought from the Chair of the Committee.

All applications for leave of absence, with or without pay, should be made in writing to the Chair of the Committee as early as possible before the event.

The Chair can reserve the right to refuse approval for leave or to withhold salary for absences which do not comply with the policy. It is essential that a full explanation for a proposed absence be supplied to the Chair.

Employees should not take or commit to take leave until they have received a decision regarding the leave request.

Requests for time off beyond those stated in the policy may be granted in exceptional circumstances at the discretion of the Chair and Manager. Any additional leave may be unpaid.

Table of leave entitlement

1. Bereavement		
Type of leave	Entitlement	Paid/Unpaid
Death of a close relative	2 days	Paid
Funeral of a close relative	1 day	Paid
2. Domestic and Personal reason for absence		
Type of leave	Entitlement	Paid/Unpaid
Time off for dependent	3 days	Paid
Religious beliefs	Individual basis	Unpaid
Voluntary medical appointments	Individual basis	Individual basis (depending on length of time required)
Interviews	2 days	Chair to authorise
Jury service	Necessary Leave of absence will be granted	Paid. A loss of earnings certificate from the Court, must be submitted to the Chair.

1. Bereavement Leave

1.1 Parental Bereavement Leave

a) This type of leave applies to employees who are the parents of a deceased child under the age of 18. This is also extended to individuals with caring responsibility, such as a 'parent in fact'. Defined as an individual who has, for a continuous period of a minimum of 4 weeks prior to the death, been living with the child and has day to day responsibility.

b) Employees do not require a minimum period of service to qualify.

c) Bereaved parents are entitled to take up to two weeks leave. This can be taken in units of one week. This can be taken as:

- i. One block of two weeks; or
- ii. Two separate blocks of one week at different times.

d) Parental bereavement leave can be taken up to 56 weeks of the date of the death of the child. The length of notice that employees have to give depends on how soon after the death leave is to be taken;

- i. Within the first 56 days, no notice is required, notice should be given as soon as reasonably practicable.
- ii. After 56 days, a notice requirement applies. A minimum of one weeks' notice of their intention to take parental bereavement leave.

e) There is no requirement for the employee to provide evidence, such as a death certificate. Informal notification, such as a phone call or email is sufficient to take parental bereavement leave.

1.2 Parental Bereavement Pay

- a) The weekly rate of statutory parental bereavement pay (SPBP) is set yearly by the government.
- b) To be eligible for statutory parental bereavement pay employees are required to have a minimum of 26 weeks continuous service, ending the week before the week in which the death occurs.

1.3. Death of a close relative:

- a) Nailsworth Playgroup have the discretion to grant up to three days' leave with pay to staff at the time of the death of a close relative, which may be extended to six day's leave with pay in exceptional circumstances.
- b) A close relative shall be defined as mother, father, brother, sister, wife, husband or partner. In addition, the provisions may also apply at the discretion of Nailsworth Playgroup to close relatives by marriage, stepchildren and stepparents and other person's resident with the staff member as part of the family group.

1.4. Funeral of a Near Relative:

- a) Up to one day's paid leave can be granted by Nailsworth Playgroup for the member of staff to attend the funeral of a near relative. Additional days may be granted where long distances are involved, and overnight stays are required. For the purposes of granting this leave a near relative shall be defined as grandparents, uncles and aunts etc. i.e. relatives once removed.
- b) In circumstances where the member of staff is the relative who has to deal with the affairs of the estate and the funeral, Nailsworth Playgroup may grant up to a further three days paid leave.

1.5. Funeral of a Friend or Distant Relative:

- a) One day's leave may be granted paid or unpaid at the discretion of Nailsworth Playgroup for a member of staff to attend the funeral of a friend or distant relative.

1.6. Time off for Urgent Domestic Problems:

- a) The Manager/Chair has the discretion to grant up to three days' leave with pay to staff at the time of an urgent domestic problem which may be extended to six days leave with pay in exceptional circumstances.
- b) For the purposes of granting leave for urgent domestic problems, this must be for serious circumstances which are considered to be urgent and unforeseen and could not have been planned during the holiday periods. This is usually given for a sudden illness of someone whom the member of staff has a close relationship. This may include a child who has been admitted to hospital with sudden illness. It could also include sudden and serious damage to house or property which requires immediate attention.

1.7. Time Off for Dependants:

- a) This is a right allowing employees to take 3 days off per year to deal with certain unexpected or sudden emergencies and to make any necessary longer-term arrangements for a dependant. The leave is paid, and there is no service requirement.

Examples may include:

- i. to assist a dependant when she is having a baby, but this does not include taking time off after the birth to care for a child;
- ii. to make longer term care arrangements for a dependant who is ill or injured;
- iii. to deal with an unexpected disruption or breakdown of care arrangements for a dependant where the normal carer of a dependant is unexpectedly absent.

b) In deciding what a reasonable amount of time is, the HoEP must take into account the individual circumstances of the employee seeking to exercise the right and must consider the following:

- What are the practical things the employee has to arrange, and how long would this normally take?
- Are there any circumstances which would justify more time for the particular employee? For example, does the employee's dependant live some distance away?
- How much time has the employee taken off for similar requests on previous occasions? What was the length of these absences and when were they?

a) The above three considerations should then be balanced in deciding what is considered reasonable.

b) In most cases one or two days should be sufficient to deal with an emergency. For example:

- If a child falls sick with chickenpox, the amount of time off should be sufficient to allow the employee to cope with the immediate care of the child (e.g. a visit to the doctors and making longer term care arrangements). The right does not extend itself to allowing the employee to take two weeks off to care for the child.

a) This policy does not allow an employee to have unlimited amounts of time off work. In deciding whether further requests for time off for dependants is reasonable and necessary, line managers should take into account the number and length of previous absences, as well as the dates when they occurred. For example:

- if an employee's child suffers from an underlying medical condition which is likely to suffer regular relapses, such a situation no longer falls under the time off for dependants' provisions as the child's illness would not have been unexpected.
- In the instance where time off for dependants has been exhausted, parental leave should then be discussed.

2. Parental Leave

a) This is a right for parents (birth & adoptive) to take unpaid leave to look after a child or make arrangements for the child's welfare. You must have 1 year's continuous service to qualify for this provision.

b) The right to parental leave arises in respect of each child.

c) Parents are able to take up 18 weeks' unpaid parental leave up to child's 18th birthday. This can be taken:

- In blocks of a week at a time;
- A maximum of 4 weeks per year for each child.

d) Documentary evidence of parental responsibility must be supplied. Examples of that are:

- Birth certificate;
- Adoption certificate;
- A parental order, for surrogacy;
- Legal guardianship.

3. Other Personal Reasons

3.1. Religious Beliefs:

a) Many religions or beliefs have special festival or spiritual observance days. Employees may request unpaid leave in order to celebrate festivals or attend ceremonies. Nailsworth Playgroup should sympathetically consider such requests to avoid discrimination on the grounds of Religious Belief.

b) It should be remembered that not all members of each religion follow all the practices and observances. Neither will every member of each religion request time off for each and every festival. In some instances, an adjustment to the working day may be all that is required to accommodate the request.

c) While it may be practical for one or a small number of employees to be absent it might be difficult if Nailsworth Playgroup receives numerous requests. In these circumstances, the Manager/Chair should discuss the matter with the employees affected, with the aim of balancing the needs of the provision and those of employees.

d) Employees should recognise that they also have a responsibility to be reasonable and to consider the needs of the Childcare provision in which they are employed.

e) When making decisions about granting leave in these circumstances Nailsworth Playgroup will carefully consider whether their criteria for deciding who should and who should not be granted leave might indirectly discriminate.

3.2. Voluntary Medical Treatments:

Generally, most medical treatments would be covered by sickness absence however there may be a case when there is a request for leave for a voluntary treatment, such as IVF treatment or cosmetic surgery, where there may be no medical certificate provided (this should always be confirmed prior to any decision being made).

a) In the absence of a medical certificate, Nailsworth Playgroup will weigh up all the factors when deciding how much leave to grant and whether it should be paid or unpaid. The following should be considered:

- what the impact of any decision will have on the relationship with your employee, and indeed your employees in general. A refusal to treat the recovery time as sickness absence could have a negative effect on the employee and lead to problems in the future;
- whether treating this case as sick leave, will be setting a precedent. If, for instance in the case of IVF, if Nailsworth Playgroup were to refuse a later request from a male employee wanting to undergo some form of voluntary treatment, you could leave yourself open to claims of discrimination;

3.3. Interviews:

a) Leave may be granted to attend interviews. Leave should be granted for the maximum of 2 days' paid leave per year.

3.4. Moving House:

a) A maximum of one day's paid leave can be granted for a new member of staff to move house.

3.5. Leave for Public Duties:

a) Statutory provisions exist for time off to perform duties associated with certain public positions. These shall be applied as follows:

- Parliamentary Elections – members of staff who are adopted as parliamentary candidates will be permitted to take three weeks (15 days unpaid leave for the duration of the election campaign);
- Election to a Local Authority – up to 208 hours (this assumes a standard working day of 7.4 hours based on a 37 hour week, for those whose contracted working week is less than 37 hours, the allowance will be calculated pro-rata for an all year round employee, 156 hours for a term time only employee paid leave will be granted in each financial year to a member of staff who is elected as a member of a Local authority (LA – county/borough/district). This includes attendance at meetings and committees of the LA but also attendance for such other appointments that may be held as a result of being elected member of a public authority e.g. membership of a Health Authority. Time off for undertaking the duties of a member of a minor authority (Town or Parish council) will be granted without pay for up to 208 working hours (this assumes a standard working day of 7.4 hours based on a 37 hour weekly rate), for those whose contracted working week is less than 37 hours, the allowance will be calculated pro rata (or 56 hours for a term time only employee).

3.6. Jury Service and Other Court Appearances:

a) The necessary leave of absence with pay will be granted to a member of staff to serve on a jury or required to attend as a witness (civil cases and criminal prosecutions). Staff should obtain a loss of earnings certificate from the court.

b) Nailsworth Playgroup may in exceptional circumstances seek a deferral of attendance of the member of staff serving on a jury for up to one year. A letter of support will be required by the Courts stating the reasons why a deferral is being sought.

3.7. Armed Forces Reservists:

a) Refer to - <https://www.gov.uk/browse/working/armed-forces> - Rights and responsibilities for reservists and employers.

3.8. General:

a) Unpaid leave may be granted where members of staff request time off for other activities in addition to those specified above or where members of staff undertake more than one of the functions detailed.

However, as Education Provision staff are contractually obliged to take holidays outside of term time this leave will only be granted in exceptional circumstances at the discretion of Nailsworth Playgroup.