



## Leave Arrangements Policy

**Little Elms** recognises that from time to time employees may need to take time away from the work place for a variety of differing reasons. When business needs allow, we aim to support employees to balance the demands of domestic and work responsibilities.

If a circumstance arises that results in the employee requiring time away from work during normal working hours, normally annual leave would be used. However, there are certain circumstances where annual leave may not be available or appropriate. In these cases, the employee should discuss their situation with the Nursery Manager, who will assess the circumstances and if business needs allow, request approval from the Head of Operations or HR Manager for one of the following types of leave:

- Jury Service & Witness Leave
- Time Off for Public Duties
- Bereavement & Funeral Leave
- Parental Bereavement Leave and Pay
- Emergency Dependants Leave
- Parental Leave
- Leave for Appointments

Failure to follow the correct process in requesting and seeking approval for leave may be considered as misconduct and could therefore lead to disciplinary action.

### **Jury Service and Witness Leave**

It is the policy of Little Elms to recognise an employee's obligation to serve as a juror or witness when summoned by a court of law. Jury Service and Witness Leave is granted to fulfil this obligation.

When an employee is summoned to attend court for Jury Service or as a Witness, they must inform their Nursery Manager as soon as possible so that arrangements can be made to allow them to have the appropriate time off work.

The court will send the employee a Loss of Earnings Certificate with the summons. This should be given to the Nursery Manager to be completed. Jury Service and Witness Leave will be unpaid by Little Elms. Employees should seek compensation for loss of earning from the court.

Jury Service usually lasts for 10 days or less.

### **Time Off for Public Duties**

Little Elms recognises its social/community responsibility which entitles employees time off to participate in certain public duties. Under the Employment Rights Act 1996 employees are entitled to reasonable unpaid time off to perform the following duties:

- Justices of the peace (JPs)
- Members of a local authority (including the Common Council of the City of London, National Parks authorities, and the Broads authority)
- Members of a statutory tribunal
- Members of a police authority
- Members of a board of prison visitors or a prison visiting committee
- Members of a relevant health body (in England and Wales, an NHS Trust, an NHS foundation trust, a Health Authority, Strategic Health Authority, Special Health Authority or a Primary Care Trust; in Scotland, members of a health board)

- Members of a relevant education body (in England and Wales, a managing or governing body of an educational establishment maintained by a local education authority or the governing body of a grant maintained school, further or higher education corporation)
- Members of the Environment Agency

In deciding what is reasonable, the Nursery Manager should consult the Head of Operations or HR Manager and must take into account the time required to perform these duties, the amount of time taken off, and the effect on the operational needs of the business.

### **Bereavement & Funeral Leave**

Bereavement Leave is an appropriate period of paid leave in the event of death in an employee's immediate family. Little Elms recognises that an individual's reaction can vary greatly, and so sensitivity will be exercised by the Nursery Manager during this often difficult period.

Factors to be taken into account when assessing the amount of Bereavement Leave to be granted will include the relationship of the employee to the deceased, responsibilities for funeral arrangements, travelling distances etc.

As a general guideline in cases of the death of immediate family, it is expected that up to a maximum of 3 days paid absence would be granted. Thereafter, consideration will be given as to whether additional absence is taken using holiday or is unpaid.

Prior to agreeing any Bereavement Leave, Nursery Managers must seek approval from the Head of Operations or HR Manager.

For immediate family, the employee will normally be entitled to 1 day's paid leave to attend the funeral (in addition to any bereavement leave granted).

Immediate family includes spouse/partner, child, parent, or sibling. This may also include individuals who have brought up or cared for the employee or for whom the employee is primary care giver.

In the case of death of an employee's friend or relative that is not an immediate family member, the employee may request to use their holiday entitlement or take unpaid leave with prior management approval.

### **Parental Bereavement Leave and Pay**

Little Elm's employees are entitled to two weeks Parental Bereavement Leave in the tragic circumstances of their child's death before they turn 18 years old, or in the case of a stillbirth after 24 weeks of pregnancy. This applies to all Little Elm's employees who meet the criteria of a parent, regardless of their length of service, if the death or stillbirth occurred on or after 6<sup>th</sup> April 2020.

Parental Bereavement Leave can be taken as either two weeks together, two separate weeks or only one week of leave. A week is the same number of days that you normally work in a week. Parental Bereavement Leave must be taken within 56 weeks of the date of death or stillbirth. Employment rights are protected while on Parental Bereavement Leave.

Employees may also be eligible to receive Statutory Parental Bereavement Pay depending on their circumstances and if the employee meets the criteria set by the government.

Nursery Managers should contact the HR Manager to clarify whether an individual meets the criteria to receive Statutory Parental Bereavement Leave and/or Pay.

## **Emergency Dependents Leave**

Little Elms recognises that from time to time emergency situations in relation to dependants can arise. Where such incidents arise, Little Elms will allow employees reasonable time off to take action which is necessary to deal with an unexpected or sudden problem and make any necessary longer-term arrangements.

Little Elms will provide a reasonable amount of time off in the following situations, where arrangements cannot reasonably be made in the employee's own time:

- To provide assistance when a dependant falls ill, gives birth, is injured or assaulted.
- To make arrangements for the provision of care for a dependant who is ill or injured.
- Due to unexpected disruption or termination of the arrangements for the care of a dependant.
- To deal with an incident involving a child during the time an educational establishment has care of the child.

A dependant is defined as a spouse, partner, child, parent, or someone who depends on you for care.

Employees should speak to the Nursery Manager and outline the details of the situation, what action they are going to take and how long they anticipate the period of absence from work to be. The length of absence should be determined by the nature of the activities to be undertaken by the employee to address the situation but in most cases 1 day will be sufficient. The Nursery Manager may request evidence to confirm the reason for absence.

Annual Leave should be used in the first instance to accommodate the time off. If this is not possible and dependants leave is granted, the leave will be unpaid.

Emergency Dependants Leave will not be granted for situations that the employee had or should have had advance knowledge of (e.g. hospital appointments for a child).

## **Parental Leave**

Little Elms recognises that employees may have significant family responsibilities outside of the workplace. This policy aims to support working parents, enabling them to balance family responsibilities with work, by providing the right to take unpaid time off work to, for example, spend more time with their children, stay with a child who is in hospital, look at new schools or to settle a child into new childcare arrangements.

To qualify for Parental Leave:

- You must have a minimum of one year's continuous service
- You are named on the child's birth or adoption certificate
- Have parental responsibility for the child, and are taking the leave in order to care for the child (this does not include foster parents)
- Have a child under the age of 18 years

Employee's are entitled to a total of 18 week's unpaid Parental Leave in respect of each child up to the age of eighteen. This entitlement is pro-rated for part time employees.

Parental leave cannot be taken for individual days, unless your child is disabled. The minimum duration of parental leave is one full working week. The maximum amount of parental leave in any year is four weeks. Any parental leave taken when employed by a previous employer will count towards the 18 week entitlement.

The employee must make a request for Parental Leave to the Nursery Manager with a minimum of 21 days' notice, confirming the requested date of commencement and the duration of leave. The Nursery Manager will consider your request and confirm either its acceptance or postponement.

In all cases, Little Elms will require proof of the child's age e.g. birth certificate, or the date of the adoption placement.

When business needs dictate, Little Elms has the right to postpone leave for up to 6 months. Any postponement will be discussed with you and confirmed in writing, no later than seven days after your request is received. This will state the reason for the postponement and new proposed dates of parental leave. The length of the leave will be equivalent to your original request.

### **Leave for Appointments**

Discretionary Leave is a leave of absence for part of the working day that is normally granted to enable employees to be absent during working hours in circumstances where it would be unreasonable to expect them to use Annual Leave or Sick Leave. For example, arriving to work late or leaving work early to attend a doctor, hospital or dental appointment.

Discretionary Leave will be unpaid.

Discretionary Leave will only be approved for emergency treatment or when it is not possible to arrange routine appointments before or after an employee's working hours.

Employees are expected to make every effort to make appointments outside of working hours, for example on their rest days, before or after their start or finish times. Where this is not possible, employees must make every effort to make appointments at the start or end of the day or during their lunch break if this is practical. This is to reduce the impact the absence will have on the Nursery.

Employees must provide as much notice as possible of appointments. Employees must seek approval for their absence in advance.

Little Elms reserve the right to request evidence of appointments (appointment cards/letters).

Abuse or excessive use of discretionary leave may be considered misconduct and therefore may result in disciplinary action. For example, if approval for leave is refused, but the employee is absent on the date requested, an investigation will be carried out to establish whether misconduct has taken place.

### ***Associated Documents:***

- ***Disciplinary Procedure***