



Special Leave Policy & Procedure

August 2024

Consultation Date with Employees: 30 th August
Trustee Ratification Date: 30 th August
Issue Date: August 2024
Next Review Date: Annually

Part A - Policy

1. Policy Statement

Woodpeckers Preschool CIO recognises that at some stages during their working lives Employees may need to take time off to fulfil their personal commitments, including domestic and family responsibilities. Woodpeckers Preschool CIO also acknowledges that Employees have certain statutory rights in respect of time off work.

Woodpeckers Preschool CIO 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 preschool.

Woodpeckers Preschool CIO reserves the right to decline requests where this would have a detrimental impact on the operation of the preschool or cause undue disruption to other Employees.

This procedure explains:

- Employees' entitlement to leave and how this should be requested
- How the preschool 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. Please refer to Appendix 2 for details of other associated leave policies and guidance.

2. Scope

This Policy and Procedure applies to all Employees of Woodpeckers Preschool CIO.

3. Adoption Arrangements and Date

This procedure was adopted by the Trustees on 30th August and supersedes any previous Special Leave Policy and Procedure.

This policy / procedure will be reviewed by the supervisor every year or earlier if there is a need. This will involve consultation with the recognised unions where there are material changes.

4. Responsibilities of the Preschool/ Supervisor/ Trustees

- To consider requests for leave fairly and equitably in accordance with the provisions of this policy and 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 preschool: to ensure that granting an Employee leave does not have a detrimental impact on the preschool 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 policy and procedure
- To take leave only for the specific purpose for which it is requested.
- To make the preschool aware should they undertake public duties or other commitments outside of the workplace for which they may be entitled to request leave

6. Delegated Responsibility

The management of special leave may be delegated to staff other than the Supervisor. References to the role of the Supervisor in the policy and procedure include his / her nominee.

7. Monitoring of special leave

In order to manage special leave effectively Woodpeckers Preschool CIO will record, monitor, and review requests and leave granted, on an individual and whole preschool basis.

Part B - Procedure

8. Emergency Dependent Care Leave (formerly Emergency Time Off for Dependents)

Entitlement

Woodpeckers Preschool CIO 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 stepchildren.

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 at the Preschool or during Preschool hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependent
- Taking action that is necessary following the 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 Supervisor for consideration, on behalf of the governing body.

Woodpeckers Preschool CIO recognises that it may not always be possible for the Employee to notify the supervisor of the need to take emergency time off in advance, however the Employee should inform the supervisor of the need to take time off as soon as reasonably practicable.

The Employee should advise the supervisor 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 supervisor 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 Woodpeckers Preschool CIO will monitor absences and may address this with Employees where the number or duration of such absences are causing concern.

The supervisor 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 care for their child during the pre-planned closure of their school

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 supervisor 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 Supervisor on behalf of the Trustees to allow an Employee to attend to urgent or unforeseen personal circumstances.

The preschool 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.

Immediate family is defined as the Employee's spouse, civil partner, partner, parent, child, stepchild, 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 Supervisor for consideration, on behalf of the Trustees.

Woodpeckers Preschool CIO recognises that it may not always be possible for the Employee to notify the Supervisor of the need to take compassionate leave in advance. The Employee should inform the Supervisor of the need to take compassionate leave as soon as reasonably practicable. The Employee should advise the Supervisor 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 each considered on a case by case basis.

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

The outcome of the request and any arrangements for payment will be confirmed by the preschool.

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 Dependent Care Leave.

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

10. Carers Leave

It is expected that, for the most part, flexible working arrangements will allow Employees to balance their caring commitments and work. However, there may be occasions, where, on a 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 of Personal Leave can be requested to be taken as Carers Leave 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 or accident
- Taking a relative to a hospital appointment.

Eligibility

To be eligible the Employee should:

- Provide unpaid care or support to an ill, frail, elderly or disabled partner, child, relative or friend on an ongoing basis.

Requesting Leave

All requests should be submitted to the Supervisor for consideration, on behalf of the Trustees.

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

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

The Employee should inform the Supervisor of the specific days / times they wish to request Carers Leave as soon as reasonably practicable. The Employee should advise the Supervisor 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 Supervisor is final and there is no right of appeal.

The outcome of the request will be confirmed by the Preschool

This provision is in addition to any Emergency Dependent Carer 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 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 Supervisor for consideration, on behalf of the Trustees.

Requests for parental leave should be made in writing to the Supervisor 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 soon as practicable if the child is born prematurely.

The Preschool 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 Supervisor within 7 working days of the request being made.

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

Woodpeckers Preschool CIO 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.

Woodpeckers Preschool CIO may ask an Employee to postpone a period of parental leave if their absence would be detrimental to the operation of the Preschool. 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 - Woodpeckers Preschool CIO will discuss the reasons for this and suitable alternative dates with the Employee. Woodpeckers Preschool CIO 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 Employee has been employed by the new Employer for 12 months.

Woodpeckers Preschool CIO 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

Employees may request a period of parental bereavement leave in the event of the loss of a child under the age of 18 or in the event of stillbirth after 24 weeks of pregnancy.

Entitlement

Regardless of an Employee's length of service up to 2 calendar weeks leave will be granted. This leave may be taken as a single block or 2 separate weeks.

Bereavement leave may be taken within 56 weeks from the date of the bereavement.

Statutory Parental Bereavement pay will be paid to qualifying Employees with more than 26 weeks continuous service with Woodpeckers Preschool CIO. Employees who do not qualify for statutory parental Bereavement pay will be entitled to unpaid leave.

Eligibility

Employees are eligible for parental bereavement leave where they are the legal parent or in circumstances where they are the primary carer and have a parental relationship with the child. This includes acting as legal guardian, foster parent, kinship carer or where a court order is in place giving the Employee legal responsibility for the care of a child.

Requesting Leave

In view of the nature of this type of leave it is recognised that requests are likely to be made with little or no notice where leave is to be taken very soon after the date of bereavement. However, Employees are required to notify the Supervisor that they are exercising their entitlement to take parental bereavement leave as soon as is practicable.

Where leave is taken more than 56 days after the date of bereavement, Employees are required to give 1 weeks' notice of their intention to take leave.

The right to request Parental Bereavement Leave is in addition to any period of Personal (Compassionate) Leave which may be granted, or period of maternity or family leave they may be entitled to.

13. Time Off for Religious Observance

Woodpeckers Preschool CIO recognises that there may be occasions where Employees may wish to request time off during their usual working hours for religious / cultural observance.

Entitlement

Woodpeckers Preschool CIO will endeavour to grant reasonable time off in so far as practicable taking into account the needs of the Preschool. Woodpeckers Preschool CIO reserves the right to decline requests where this would have a detrimental impact on the operation of the preschool 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 where they wish to take time off for this purpose.

Requesting leave

All requests should be submitted to the Supervisor for consideration, on behalf of the Trustees.

Requests for leave should be planned in advance giving sufficient notice for Woodpeckers Preschool CIO to assess the impact of granting leave. All requests should be made in writing to the Supervisor clearly stating the dates and reasons for requesting time off.

Requests will be considered sensitively and in accordance with Woodpeckers Preschool CIO obligations under the Equality Act. Woodpeckers Preschool CIO will endeavour to grant reasonable time off in so far as is practicable and taking into account the needs of the preschool. Woodpeckers Preschool CIO reserves the right to decline requests where this would have a detrimental impact on the operation of the preschool or cause undue disruption to other Employees.

The decision of the Supervisor 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

Woodpeckers Preschool CIO 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 Preschool

The Employee should advise the Supervisor as soon as practicable that they have 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 Employee must advise the Supervisor as soon as they are notified that the case on which they are serving is likely to continue beyond the initial 10 day period. Woodpeckers Preschool CIO will extend jury service leave in these circumstances

Should the Employee not be required to attend court for any whole or part day they should notify the Supervisor. The Preschool may require the Employee to return to work for this period. This may vary depending on the circumstances.

If the 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. The 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 claim the entitlement payable by the Court and provide the Supervisor with a Loss of Earnings Certificate obtained from the Court. The Supervisor 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 Supervisor to enable the amount paid by the court to be deducted from the Employee's salary.

15. Time Off for Public Duties

Woodpeckers Preschool CIO 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.

Total Time off for all public duties undertaken 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 Supervisor where they are a member or intend to become a member of a public organisation where they may be entitled to leave under this provision. The Employee should discuss with the Supervisor at the start of each academic year how much time they anticipate requiring requesting under these provisions.

All requests should be submitted to the Supervisor for consideration, on behalf of the Trustees.

Employees should give reasonable written notice should they wish to request leave for public duties in order to enable the Preschool to assess the impact of granting leave. 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 Preschool will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the school. The Preschool 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 Preschool or cause undue disruption to other Employees.

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 Supervisor 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 in relation to legal proceedings

The Preschool 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 be unpaid.

The Employee should advise the Supervisor 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.

17. Adverse Weather Conditions & Unforeseen Disruption

There may be occasions where Employees experience difficulties attending work during periods of adverse weather or where there are disruptions to road and / or public transport. Employees are advised to consider reasonable contingency arrangements in these circumstances.

Employees have a contractual duty to report to work and should make every reasonable effort to attend work even if their arrival is delayed.

However, the Supervisor 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 Supervisor determines that the Preschool should close - all Employees will continue to receive full pay. However, Employees may be expected to undertake reasonable alternative duties including online training from home or admin.

Employees should endeavour as far as is possible to make contingency arrangements in the event that their child's school is closed or usual childcare arrangements disrupted.

Paid absence during periods of adverse weather or unforeseen disruption is entirely at the discretion of the Supervisor and will only be granted with the prior approval of the Trustees. Paid leave should only be considered once all other reasonable options - including working from home.

18. Unpaid leave

Woodpeckers Preschool CIO will exceptionally grant unpaid leave for reasons others than those specified in this procedure. The maximum period of unpaid leave that may be requested in any academic year is 6 months.

Requests for such leave should be made in writing to the Supervisor. Each request will be considered on a case by case basis, balanced against the operational needs of the Preschool and granted at the discretion of the Supervisor.

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

The decision of the Supervisor is final and there is no right of appeal

19. 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 has been made, Woodpeckers Preschool CIO may, after appropriate investigation address the matter through its disciplinary procedure.

Where an Employee is believed to be making excessive use of discretionary leave provisions, beyond that which is judged reasonable for the purpose for which it is requested, this may be addressed by the Supervisor using the appropriate policy.

20. 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 Preschools Disciplinary Procedure.

Should a request for special leave be declined and the Employee subsequently takes unauthorised leave this may be addressed via the Preschools Disciplinary Procedure.

21. 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 Supervisor is final and there is no right of appeal.

Employees should discuss the reasons for any refused leave requests informally with the Supervisor.

22. 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.

Separate records should be kept of the number of days leave requested and granted under each of the special leave provision.

Appendix A: Special Leave Request Form

Employee Name:

Job Title:

Department:

Date Leave Requested	From	To
Total Number of Days Requested	Days	

Reason	Please tick		Please tick
Emergency Time Off for Dependents		Adverse Weather / Unforeseen Disruption	
Personal (Compassionate) Leave			
Carers Leave			
Parental Leave			
Time Off for Religious Observance			
Jury Service			
Other (please specify)			

Please provide further details of your reason(s) for requesting leave:

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Is this time off requested as:

PAID / UNPAID

Signed:

Date Request Submitted:

Authorisation					
Request Approved by Supervisor:	YES / NO	Signed:		Date:	
Leave agreed as:	PAID / UNPAID	Days paid:		Days Unpaid:	
Total Number of days taken for this purpose in current year:					