

2.5 Leave Policy

This policy has been adopted by Ecclesall Kids Club Management Committee and applies to all members of staff. It should be read in conjunction with the Ecclesall Kids Club Staff Handbook Club Policies and individual statement of terms. The Play Manager (or in their absence the Deputy) has the delegated decision as to whether to grant time off. Appeals against decisions to refuse leave may be made to the Business Manager and if this cannot be settled informally the Committee via the Grievance procedure. Misuse of the leave policy will be dealt with under the Club Disciplinary procedures.

A formal record of leave requests including a description of the circumstances and whether or not the request was granted in accordance with the framework of the policy will be maintained.

Sickness absence is covered under the Sickness Absence Policy.

Ecclesall Kids Club recognises the importance of consistency, openness and equality in responding to requests from staff for leave and special leave of absence for family and personal reasons.

This policy recognises:

- The statutory entitlement to unpaid time off to attend to urgent matters related to dependants/caring responsibilities.
- Current Statutory Rights to maternity, paternity, parental, adoption leave and will encompass any future statutory requirements with regard to leave of any type.
- The operational needs of the Club
- HR best practice which seeks to support staff's Wellbeing and Work Life Balance.

It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence for staff working in the club to be fairly and consistently handled. This policy recognises that the operational needs of the Club are a priority and there may be times when the Play Manager or Deputy has to refuse a request for leave. Where that is the case the reasons will be fully explained to the person concerned.

There may be occasions when circumstances arise not identified in this policy, in such circumstances the decision regarding paid and unpaid leave of absence remains within the discretion of the Business Manager or Committee. Each case will be judged on its own merits and circumstances and the result recorded on the individuals application for leave. The granting

of time off (paid or unpaid) in one case will not necessarily set a precedent for other cases. Care will be taken in applying this policy to ensure compliance with equality legislation and HR best practice avoiding discrimination of any kind.

In setting the policy for Discretionary term time unpaid leave, the Club has taken into account the current arrangements available for short term cover for absence staff via our supply staff and their availability. Given the reduced availability of student supply staff around mocks and exam times (May – June) there may be reduced capacity for permanent staff to take term time leave at these times due to less cover being available.

Annual Leave

Ecclesall Kids Club is normally open for 47 weeks per year. The club is closed for Holiday Shutdown, 1 week at Easter, 2 weeks at Christmas and 2 weeks in summer. During the rest of the year we are closed or run a Holiday club that is worked voluntarily on a customer demand basis. We always aim to run a Holiday Club but it cannot be guaranteed so does not form part of the term time contract. Exact dates of closure may vary and will be decided in consultation with staff.

Our leave year for paid and unpaid leave runs from 1st September each year to the 31st August, the basic entitlement for paid leave is 28 days, this is split into 2 x 2 week payments to cover Christmas and Summer Shutdown, club will close to ensure all staff have at least 4 weeks a year where they can take a proper paid rest break. The remaining 1.6 weeks paid leave is paid around Easter the exact date depends when the holiday and pay period falls. Holiday pay is normally paid in the pay month you would have received the pay had you been at work, Holiday pay may occasionally be paid before but never after the pay period you should have paid for it. After one years continuous service you will receive an additional days leave so your paid leave allowance increases to 29 days leave and after 2 years continuous service you will be paid for and additional days leave so your leave allowance will increase to 30 days leave. As long as staff have continuity staff on all types of contract eg long term supply staff will receive this benefit. You receive as much pay when you are on leave as you have had you been in work. If you attend staff meetings on a **regular** basis an allowance for this will be included in your Holiday pay. Occasional extra hours are not included. See below for an explanation of how pay is currently calculated for variable hours staff who do not have a regular working week.

Paid leave

Staff are entitled to leave, which equates to 5.6 weeks (28 days) paid leave per year this is inclusive of all UK statutory bank and public holidays The Committee may agree to pay staff for

additional UK bank or public holidays over the usual 8 days a year on a discretionary basis eg Coronation, Jubilee events, state funerals etc if it is affordable. Relevant pay and Equality legislation eg the Part time workers less favourable treatment regulations will be taken into account when granting additional discretionary paid public Holiday leave.

Paid leave is paid for all staff as “Holiday Pay” and is paid three times per year in the same pay month that the Holiday shutdown occurs (this will be paid either before or in the month where that pay would normally fall if we had been working and not on shutdown) usually end of January, end of April/May (depending when Holiday Club and shutdown falls) and end of September. In practice this works out as 2 weeks normal pay for end of August break, 2 weeks normal pay for Christmas Holiday 1.6 weeks normal pay at Easter. Additional paid leave will be added at an appropriate juncture, in the year you become entitled, this may be added onto your Holiday pay at Easter for example or paid as a separate additional days pay each time it is due.

In accord with current legislation as at 29/8/23 if a staff member has variable hours eg a supply member of staff who works occasionally, pay is based on a weekly average of the hours in the previous 52 weeks. Any weeks not worked or that are not typical normal pay eg SSP will be removed from the calculation and a further week will be counted back for each week where no work was done, the maximum reference period for checking back shall be no more than 104 weeks. If 52 weeks has not been worked, the calculation will be made on the basis of a weekly average of the maximum number of weeks where work was done.

Permanent staff or other staff with an open ended contract who do not work over Summer will not break their continuous service by not doing so even though contracts are term time only and Holiday club over Summer is worked under a separate contract/assignment, though staff may put themselves forward we may not have shifts to offer so they should not be penalised by this where their contract is continuing. Fixed term staff who wish to be re employed on a new statement of terms/ assignment or supply staff who change their terms/ do not work for us for a while/ club returners may need a new statement of terms and this may break their continuity, if this is the case you will be advised at the time your new appointment and statement of terms is agreed. Staff who return to us following the issue of a P45 will be issued a new statement of terms in line with their new appointment date and statement of terms, it is unlikely that continuity will be preserved in those circumstances.

Accruing Leave

Full shutdown Holiday pay is paid to all staff currently employed even if they haven't accrued enough leave to be paid for the whole shutdown period, this is to support staff wellbeing and prevent hardship as the member of staff has no choice but to be off work with little or no pay when we are closed for shutdown. This scenario could occur because a member of staff starts part way through the year. If full shutdown Holiday pay is advanced, if you leave before you have accrued enough leave this will be recovered from your termination pay with the appropriate notice of the overpayment.

Non working Time

The Working Time Directive currently requires that all members of staff must have at least 4 weeks non working time per year. For this reason the club will always close for 2 weeks during Summer if the club opens all Summer in future all individuals will need to have 2 weeks paid leave during the Summer Break at some point. The club will always close for 2 weeks over Christmas to ensure our compliance.

Discretionary Unpaid leave up to 2 weeks per year (pro-rata)

The Club expects that all staff will take the majority of their annual leave when the club is closed as we support the parents of the school our business mirrors that of working in a school.

However we do recognise there are times when permanent or Fixed Term Appointees may wish to take leave during term time and we want to support the Wellbeing and work life balance of our staff. Staff may take up to a maximum of two weeks discretionary unpaid leave prorated per academic year during term time (e.g. 2 x 1 week holidays or 1x 2 week holiday) this will be agreed by the Manager and decisions will be made in line with business need and subject to prearranged cover.

This leave will be prorated for normal working week eg if staff work 5 days a week their unpaid leave entitlement will be a maximum of 10 working days and if they work 3 days a week it would be 6 working days which still allows them to take 1- 2 weeks unpaid leave from work. This is to avoid a member of staff who works 2 days a week taking 5 weeks leave to make up their total allowance to 10 days the same as a full time employee. The discretionary leave is not designed for full time employees to take their entitlement as 5 long weekends per year, due to tighter staffing on Mondays and Fridays this has much more impact than them taking one week including a Monday and Friday or two Mondays and Fridays within a 2 week Holiday.

For Permanent, Fixed Term or Temporary staff, **Discretionary term time** holiday leave must be applied for on the Leave Form and agreed in advance before holidays are booked or we cannot guarantee that the Club can honour the leave request. It is also important that Managers and Deputies also ensure there is sufficient management cover before taking leave at the same time.,

If we manage term time discretionary leave requests considerably discretionary term time leave (which most OS Clubs do not have) can be retained for everyone's benefit.

Supply/ casual staff are free to not work (take leave) whenever they wish and do not need to complete a Holiday form or ask permission but we do ask that the rota lead which may be the Business or Play Manager are made aware of any unavailable days as far in advance as possible. This is so you are not contacted about working when you are not available/ on holiday yourself and we know when you are not available to cover.

As holiday club work is optional/ not contractual and we are closed for at least 5 weeks a year, this means that all staff have the opportunity to also take holiday during 13 weeks of the year as well as additional bank holidays and school inset days that fall outside these weeks.

Sabbaticals/extended holiday leave

The Club recognises there may be an occasion when staff may want to take a one off extended period of leave for a significant event eg family circumstances, round the world trip, a months voluntary work overseas etc We value our staff and want to retain them so wherever possible we will try to accommodate these requests on a discretionary basis. In order to provide the appropriate level of cover the Play Manager will require as much notice as possible of the period of cover required and the request must be in writing via the Leave form. Should appropriate cover be unavailable for such a long period or notice be too short the club reserves the right to refuse the request.

Time Off For Dependants

The Employment Relations Act 1999 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to **dependants**. Staff taking time off under this right must notify the Manager of their absence on the day they take time off and if possible to give notification in advance. A dependant could be a spouse, partner, child, grandchild, parent, or anyone else who depends on you for care.

Circumstances when an employee may take time off are:

- If a dependant who relies on you for care falls ill, or has been injured or assaulted
- When a dependant is having a baby
- To make longer term care arrangements for a dependant who is ill or injured

- To deal with a death of a dependant
- To deal with unexpected disruption or breakdown of care arrangements for a dependant
- To deal with an incident involving the employee's child during school hours

Compassionate Leave

Paid (pro-rated) compassionate leave is granted in the following circumstances:

- Sudden, serious illness or need to provide personal care for a near relative, spouse or child – up to 1 week normal shifts of paid leave.
- Death of a near relative, parent, spouse, partner or child – up to 1 week normal shifts of paid leave
- Funeral of a near relative, parent, spouse, partner or child – additional 1 day of paid leave
- Employees wishing to attend the funeral of other relatives, friends or colleagues may take unpaid leave.

Additional paid or unpaid compassionate leave may be authorised by the Business Manager and this may include reasons outside the above guidelines. All decisions will be recorded and retained to ensure we treat all staff consistently and fairly.

Sick Children

It is recognised that it can be difficult for working parents to respond to the need to care for sick children (minors).

Staff have a statutory right to **unpaid** time off to make arrangements for the care of a **dependent child**.

This arrangement applies to all staff with dependent children. For seriously ill children see compassionate leave.

Maternity, Paternity, Parental and Adoption Pay and Leave

The Club will adhere to the statutory Requirements in operation at the time of request.

Fertility treatment

Employees requesting time off for fertility treatment will be supported. The specific needs will need to be addressed, and the various provisions for leave set out in this policy will be used to enable this to happen where reasonable. The leave may be paid or unpaid depending on the specific circumstances. In any event the situation will be treated with sensitivity and confidentially.

Time Off To Attend Ante-Natal Appointments

The Maternity Regulations provide the right for all women to take **paid** time off to attend antenatal care if the time unavoidably clashes with the individuals shifts. Staff will need to show their appointment card to the Play Manager.

Planned Medical and Dental Appointments

Employees are expected to make appointments outside normal working hours wherever possible. However if necessary, unpaid time off during normal working patterns to attend appointments will be granted. Staff attending appointments must inform the Play Manager in advance of the appointment to ensure cover can be arranged. Staff are also welcome to swap shifts between themselves to cover medical or dental appointments as long as the Play Manager Leader is informed to ensure we have adequate First Aid, Designated Safeguarding Lead (DSL) cover and correct ratios are maintained.

Jury Service

Employees may take unpaid leave to undertake jury service or to appear as a witness. They are required to claim the allowance for loss of earnings from the Court.

Time Off For Public Duties

Staff who are appointed to an important office in public service eg Magistrate, Local Councillor may be granted unpaid leave at the discretion of the Manager. The Club Manager should be informed of appointment to the post at the outset.

Time off for Volunteer Members of the H.M Forces

Volunteer members of HM Forces will be granted up to two weeks unpaid leave of absence to attend summer camp where this cannot be arranged during Club closure. If a volunteers is mobilised the law protects employment and the individual will be reinstated on return from mobilised service.

Leave For Religious Festivals and Holy Days

Regulations do not require employers to provide time or facilities for religious or belief observance in the workplace. However requests for unpaid time off will be Honoured wherever possible.

Covid-19 related absence

As rules for Covid absence, isolation and sick pay rules change often at short notice and may be a statutory requirement please see the Covid absence variation to the leave policy in force at the time of your absence.

This policy was adopted by: Ecclesall Kids Club	Date: 4/9/17
reviewed: 29/8/23	Signed: <i>Ecclesall Kids Club Committee</i>