

Time off Policy

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non-written format.

1.0 INTRODUCTION

The purpose of this policy is to ensure that Wheatley Care complies fully with legal requirements in respect of statutory time off work. In addition, Wheatley Care recognises that employees may require additional time off for domestic or personal commitments or events.

This policy therefore provides details of the statutory entitlements for employees and additional entitlements which Wheatley Care has put in place. The policy may require to be read in conjunction with other Human Resource policies such as maternity or paternity leave.

Employees believed to be abusing the policy will be subject to the organisation's disciplinary procedure.

2.0 RESPONSIBILITIES

2.1 Managers

- Managers are responsible for ensuring that they deal with requests for time off consistently and fairly.
- Managers are responsible for ensuring that employees are made aware of their entitlements and are appropriately supported.
- Managers should ensure, where appropriate, that relevant forms are completed and forwarded.
- Managers are responsible for ensuring that time off is recorded appropriately for individual employees.
- Managers are responsible for ensuring that they take appropriate action within Wheatley Care policies and procedures if they believe that the Time Off Policy is being abused by an employee.

2.2 Employees

- Employees are expected to refer to the appropriate policy and be responsible for checking entitlements.
- Employees are responsible for ensuring that when appropriate they provide reasonable notice to take time off.
- Employees are responsible for following reporting procedures agreed with their line manager.
- Employees are responsible for ensuring that requests are received timeously for relevant leave, such as maternity, paternity or adoption.

- Employees are responsible for ensuring that they use this policy for its true intent and purpose and do not abuse the goodwill of Wheatley Care in providing additional entitlements.

2.3 Human Resources

- Human Resources are responsible for supporting both employees and managers in using the policy, by providing consistent advice and clarification.
- Human Resources are responsible for ensuring that the policy is reviewed within appropriate timescales.
- Human Resources are responsible for monitoring special leave applications.

3.0 STATUTORY RIGHT TO TIME OFF

The list below outlines the provisions for time off laid down within employment legislation. Each right is then explained in more detail.

- 3.1 Annual leave
- 3.2 Adoption leave
- 3.3 Foster Care leave
- 3.4 Antenatal care
- 3.5 Maternity leave
- 3.6 Paternity leave
- 3.7 Parental leave
- 3.8 Time off for dependants
- 3.9 Bereavement leave
- 3.10 Time off to accompany an employee at a flexible working hearing
- 3.11 Time off to accompany an employee at a disciplinary or grievance hearing
- 3.12 Time off for employee representatives
- 3.13 Time off for trade union duties and activities
- 3.14 Time off for union learning representatives
- 3.15 Time off for safety representatives
- 3.16 Time off for occupational pension scheme trustees
- 3.17 Time off in a redundancy situation
- 3.18 Time off for public duties
- 3.19 Jury service

3.1 Annual Leave

Statutory entitlement under the Working Time Regulations provides that each employee should receive 28 days' holiday entitlement per annum for full time employees on a 5-day week. This can include public holidays.

If you are not able to take statutory annual leave entitlement of 4 weeks (pro rata) due to sickness you will be entitled to carry this over to next leave year.

Employees who take unpaid leave through parental leave, long term family issue/carer's leave, extended annual leave or a career break will only be entitled to statutory annual leave entitlement during the unpaid period.

Wheatley Care provides 281.2 hours of annual leave annually, inclusive of days in lieu of public holiday.

Employees who have 4 years' service or more at the start of the leave year on 1 April will be entitled to 288.6 hours of annual leave, inclusive of days in lieu of public holiday.

Part-time employees will receive annual leave pro rata to the number of hours worked.

The annual leave year for entitlement purposes shall be 1st April to 31st March. In the year of joining or leaving, the entitlement will be in direct proportion to complete months of service during that year and any fraction rounded to the nearest half day.

Employees must submit their leave requests for the year to their Line Manager using the appropriate pro forma. Line management will confirm leave arrangements in writing to employees as soon as practical thereafter.

Employees must not make holiday arrangements without prior approval from their Line Manager. It is recommended that employees take at least two weeks of their annual leave entitlement in one period.

A maximum of 37 hours of annual leave may be carried over to the next leave year, with the agreement of the line manager. In all circumstances, a minimum of 5.6 weeks leave must be taken in each whole leave year to 31 March.

3.2 Adoption Leave

Adoption leave and pay is available to an individual who adopts or to one member of a couple who adopt. Further information and entitlement is contained within the Maternity and Adoption Leave and Benefits Policy. An employee who has been matched with a child for adoption may take paid time off to attend pre-adoption hearings. This would not be expected to exceed one working week in total.

3.3 Foster Care

The organisation recognises that the needs of foster parents are similar to those of natural or adoptive parents and staff fostering a child will require time to develop a relationship and settle the child into their new environment. As fostering can be for varying lengths, short-term, long-term, emergency or respite, employees are asked to discuss their intention to foster with their line manager as soon as possible. This will allow the manager to assist in identifying appropriate leave.

If both foster parents are employed by the organisation, then one employee may take the leave in its entirety as the primary carer, or it may be shared.

For long-term fostering, i.e., placements expected to be for at least 2 years or until the child moves on to independence, employees may take 2 weeks paid leave. Consideration may then be given to parental leave and long-term carers' leave. Please refer to Section 5.4 of the Time Off Policy or the Parental Leave policy for further details.

For short-term or emergency fostering, an employee may take up to one weeks paid leave within a 12-month period. Following this, consideration

should be given to time off for dependants and forms of unpaid leave.

Grandparents or other family members taking guardianship of children, in consultation with statutory agencies, will be entitled to leave as specified above.

3.4 Antenatal Care

All pregnant women, regardless of length of service will be provided with time off with pay for antenatal care. Following the first appointment the employee may be asked to provide an appointment card for verification.

3.5 Maternity Leave

The organisation provides a generous maternity leave and pay scheme over and above statutory entitlements. For full details please refer to the Maternity and Adoption Leave and Benefits Policy.

3.6 Paternity Leave

The organisation provides up to 2 weeks' ordinary paternity leave and additional paternity leave with additional payment over and above statutory entitlements. Please refer to the Paternity Leave and Benefits Policy for full details of qualification and entitlements.

3.7 Parental Leave

Parental leave is available for employees. Full details can be found in the Parental Leave Policy. Please note that this leave is unpaid.

3.8 Time off for Dependants

An employee is entitled to reasonable time off to deal with certain unexpected emergencies and to make longer term arrangements. The

emergency must involve a dependant of the employee. This right applies from the date of commencement with the organisation.

Who is a dependant?

A dependant may be a spouse, partner, child, or parent of the employee. It may also include someone who lives in the same household as a member of the family. In the case of illness or injury or breakdown of care arrangements, a dependant may be someone who relies on the employee. For example, where the employee is the primary carer or the only person able to help in an emergency. A dependant may be a grandchild, where the grandparent is the primary carer or guardian.

In what circumstances can an employee take time off?

An employee may require to take time off in the following circumstances:

- 1 if a dependant is ill, has been injured or assaulted
- 2 to make longer term care arrangements for someone ill or injured
- 3 to deal with the unexpected breakdown of care arrangements for a dependant, e.g. illness of a childminder
- 4 to deal with an unexpected incident involving an employee's child at school, e.g. injury or suspension
- 5 if a dependant is having a baby

How much time can an employee take?

This entitlement is to deal with unexpected occurrences and therefore if employees are aware in advance that a situation is going to occur they should request time off appropriately, for example by requesting annual leave.

An employee will be entitled to two days paid leave. In the event that an employee requires to travel in order to make arrangements, the line manager may authorise further paid leave to a maximum of one working week.

In any other situation requiring longer than two days, discussion must take

place between the employee and the line manager regarding the form any subsequent leave may take. Options to consider may be annual leave, time owing or unpaid leave.

There is no restriction on the number of times an employee may request time off under this right, however employees must be aware that abuse of the right may result in the Disciplinary procedure being followed. Should an employee request this right more than once in a 12-month period, they may be given unpaid leave only.

How do I notify my employer?

An employee must notify their line manager as soon as practically possible of their wish to take time off under this right. They must advise of the reason for absence and must confirm with the manager the amount of time off required. The manager will confirm the amount of leave authorised and agree further reporting procedures. Should the emergency occur out with normal working hours, employees should use the appropriate method of advising the senior member of staff on call.

On return to duty, the employee must complete a special leave form, details of which can be found in Section 6 and Appendix 1.

Section 3.9 Bereavement Leave

Paid leave of up to one working week will be given if the death occurs of a partner, close relative or someone with whom the employee has a close relationship. In deciding how much leave is appropriate, the line manager must take the following into account:

- The closeness of the relationship between the employee and the deceased
- Whether the employee has administrative responsibilities, such as funeral arrangements
- Whether the employee is required to travel any distance to make arrangements or attend the funeral.

One working week relates to the number of working days which were planned for that period.

Where the leave has to be extended beyond one working week, this will be at the discretion of the Manager, who may consider further paid leave (this would be in exceptional circumstances), unpaid leave or annual leave.

Unpaid time off will be granted to attend the funeral of a friend or relative not covered by the above.

3.10 Time off to accompany a colleague to a Flexible Working Hearing

An employee may request the right to apply for flexible working. If the employee meets with a manager to discuss the request they may be accompanied by a colleague if they wish. The colleague has the right to paid time off during working hours to attend.

3.11 Time off to accompany a colleague to a Disciplinary or Grievance Hearing

An employee who has agreed to accompany a colleague of the organisation at a disciplinary or grievance hearing is entitled to paid time off. The organisation also extends this right to investigation meetings.

The time off covers the hearing, travel time required and a reasonable amount of time to confer prior to the meeting or hearing.

Please note that this right applies to colleagues within the organisation only. If the meeting falls on a rest day, the employee will receive time back.

3.12 Time off for Employee Representatives

Employees who act as employee representatives for consultation about

redundancies or business transfers, or are candidates to be a representative of this kind, are entitled to reasonable time off with pay during working hours to perform these functions and to receive appropriate training.

3.13 Time off for Trade Union duties and activities

An employee who is an official of a trade union recognised by the organisation will be entitled to take reasonable time off with pay during working hours to:

- carry out union duties
- consult with the organisation or receive information from the organisation regarding redundancies or business transfers
- undergo training for union duties (approved by the Union)

An employee who is a member of a trade union recognised by the employer is entitled to reasonable time off for certain trade union activities, such as attending a union conference. The time off granted is unpaid.

3.14 Time off for Union Learning Representatives

Union learning representatives are entitled to reasonable paid time off for training and for carrying out their duties. Union members are entitled to unpaid time to consult with their learning representative. This right applies to members of a union which is recognised by the organisation for collective bargaining purposes.

3.15 Time off for Safety Representatives

Accredited safety representatives are entitled to paid time off as necessary to undertake training or carry out their duties.

3.16 Time off for Occupational Pension Scheme Trustees

Employees who are trustees of the occupational pension scheme are entitled to reasonable paid time off work to undergo training or to perform their duties. Any payment by the Pension Scheme should be notified to the organisation.

3.17 Time off for Redundancy Situation

Employees with two years' service who are under notice of redundancy are entitled to reasonable paid time off for the purposes of seeking work or to arrange training. Please refer to the Redundancy Policy.

3.18 Time off for Public Duties

Employees who hold public offices are entitled to reasonable unpaid time off. Public duties are defined as follows:

- Justice of the Peace
- Member of a local authority
- Member of a statutory tribunal
- Member of a board of visitors or visiting committee for prisons
- Member of a national health service board
- Member of a governing body of an educational establishment maintained by a local authority
- Member of a river purification board
- Member of a police authority
- Member of the Scottish Environment Protection Agency

The organisation grants unpaid leave for employees who are members of the Children's Panel. The organisation requests that where possible such duties are planned in advance and taken into account when planning off duty.

The organisation also grants unpaid leave to lay members of the Care Inspectorate.

3.19 Jury Service

The organisation will provide time off to employees to serve on a jury or to attend a court as a witness if they are ordered to do so.

Where an employee reports for jury service but is not called on to serve on any particular day, he/she must attend for work on that day if it is reasonably practicable to do so in the time available.

Where an employee is ordered to attend court as a witness in relation to a work related incident or non work related incident, he/she must attend for work on that day if it is reasonably practicable to do so in the time available.

Employees will have appropriate deductions made from salary and are requested to claim the maximum amount from the court to which they are entitled.

4.0 Volunteer/Reserve Forces

Employees who are members of the reserved armed forces must undertake training in their own time

Where an employee is called up to serve, the organisation requests the right to seek exemption and deferral for the call up.

The organisation will grant paid leave if an employee is called up but will seek financial assistance from the reserve forces for employee replacement costs and any retraining necessary on an employee's return to work.

An employee, who is not a member of the volunteer/reserve armed forces at commencement of employment and wishes to sign up during their employment with the organisation, must first discuss their intentions with their line manager.

Every effort will be made to place the employee in their original post on their return; however, this may not always be possible. In the event a post of equivalent grade cannot be identified, the employee's salary will not be affected.

5.0 SPECIAL LEAVE

The organisation acknowledges that there may be situations which are not covered by statute, but for which an employee may require to request time. Such situations include:

- 5.1 Study leave
- 5.2 Medical appointments
- 5.3 Moving house
- 5.4 Long term family issue
- 5.5 Religious holidays
- 5.6 Extended annual leave

5.1 Study leave

Study leave for examinations will be granted as paid leave where the course of study has been approved by the organisation and has arisen through supervision and/or the appraisal system. Further details may be obtained by referring to the Training Policy.

5.2 Medical Appointments

Employees are expected to attend routine medical and dental appointments in their own time. Where this is not possible employees will be given unpaid leave or will use flexi or time owing in lieu system to attend such appointments.

Where a medical condition is ongoing, employees will need to discuss the situation with their line manager in order that long term arrangements can be made.

Appointments for hospital investigations or day surgery will be considered as sick leave. Please refer to the Promoting Attendance Policy.

Employees undergoing IVF or whose partner is undergoing IVF treatment, should advise their line manager and discuss appropriate arrangements for leave, which may be a combination of paid, unpaid and annual leave.

Employees who elect to have cosmetic surgery or procedures will not be entitled to paid time off, but must take annual leave for such purposes. Cosmetic surgery which is for medical reasons, supported by a GP or Consultant will be considered as sick leave.

In the event that an employee wishes to attend a planned medical appointment with a dependant they are required to attend in their own time or use the flexible options outlined above. Where a dependant's medical or dental appointment is a result of an accident or emergency, the employee will be entitled to time off as defined in section 3.8 of this policy.

5.3 Moving House

Employees will be entitled to one day paid leave for this purpose and this will be granted a maximum of twice during the length of employment.

5.4 Long Term Family Issue/Carer's Leave

An employee will be entitled to take unpaid leave where there is a long term family issue, for example illness of a dependant.

The length of this leave will be discussed with the employee's line manager and will be subject to regular review through planned ongoing contact between the employee and the line manager.

Employees will take leave on the understanding that it may not be possible for the employee to return to their original post, although every effort will be made to do so where possible.

5.5 Religious Holidays

Employees who are practising members of any religion or faith may wish to celebrate festivals particular to that faith. Employees are entitled to make application for time off for this purpose, using their allocation of annual leave or public holiday entitlement. Should this not be possible, consideration may be given to unpaid leave. The authorisation of paid or unpaid leave, will be dependent on the needs of the service.

5.6 Extended Annual Leave

The organisation will give consideration to employees who request extended annual leave and this will be unpaid if granted.

To qualify for extended leave, an employee must have two years' continuous service.

The maximum period of extended annual leave granted at any one time will be 12 weeks.

Extended leave will only be granted where the full entitlement to annual leave has been taken or been booked.

Extended leave does not apply routinely to employees who for whatever reason are late returning from holiday. In this situation an employee must make contact with their line manager and discussions will take place regarding how this will be dealt with which may be in the form of unpaid leave, time owing or granting additional annual leave.

Extended annual leave will be dependent on:

- the operational needs of the organisation
- the acceptability of the employees reasons for requesting the extended leave
- the employees' attendance record (excluding maternity absence, additional paternity absence or absence relating to health conditions covered by the Equality Act 2010)
- any failure on the part of the employee to return on time from holiday or extended leave in the past

6.0 METHOD OF APPLICATION FOR SPECIAL LEAVE

Employees requesting special leave in the following categories, must complete the special leave form attached as Appendix 1.

- Time off for dependants
- Bereavement Leave

- Study leave
- Long term family issue
- Extended annual leave
- Moving house
- Foster care leave
- Public duty

The form must be fully completed and forwarded to the line manager for approval, prior to making arrangements in relation to special leave, with the exception of time off for dependants. In this situation, the employee must complete the form on their return.

Full details of the leave must be given and supporting documentary evidence supplied where practical. The request will be considered in line with the service or section operational needs, an employee's eligibility and the relevance of the request.

The line manager will make 3 copies of the form once a decision regarding the request has been made.

- a copy will be retained by the line manager
- a copy will be returned to the employee
- a copy will be forwarded to human resources for monitoring and filing in the employee's file
- a copy will be forwarded to the Finance department for payroll purposes

In the event an employee disputes the manager's reason for refusing a request, the organisation's grievance procedure may be used by the employee to resolve the situation.

7.0 FLEXIBLE WORKING POLICY

Employees may wish to refer to the Flexible Working Policy should they wish to make an application to alter their working patterns or hours on a permanent or temporary basis. This may be used for example where an

employee wishes to care for a dependant on a longer term basis, or where a child is starting school.

8.0 MONITORING AND REVIEW

The Human Resources section will monitor the implementation of the policy, through collation of leave application forms.

The policy will be included in the Human Resource Policy review timetable and reviewed within 5 years. This date may be altered depending on legislative changes or internal priorities.