

# Time Off & Authorised Leave Policy

This policy includes several individual policies including;

- Annual Leave Policy
- Carer's Leave Policy
- Parental Bereavement Leave Policy
- Time Off for Dependents Policy
- Compassionate Leave Policy

## Annual Leave Policy

SOS Homecare's annual leave year runs from 1st January to 31st December. Details of your annual leave entitlement can be found in your contract of employment.

Please note that should your hours of work fluctuate your annual holiday entitlement will be calculated by reference to your average days worked. Your holiday pay will be based on the average pay you got over the previous 52 weeks. If you have received no pay, or reduced pay for any weeks within that period, this week will be discounted and a previous week will be used in its place. If you have not yet been employed for 52 weeks, SOS Homecare will look at how many full weeks you've been employed for.

Details of your holiday entitlement can be found in your contract. Holiday pay will be paid when the leave is taken. Details of entitlement to paid statutory bank/public holidays are contained in your contract.

At least 4 weeks' notice of intended holiday dates must be given by completing a holiday request form. If the request is not convenient to the Company suitable alternative dates will be offered.

No holidays will be granted between 23rd December and 3rd January. No more than 2 calendar weeks may be taken at any one time unless written permission has been given by your line manager, depending on your length of service.

No holiday entitlement may be carried forward. The only exception to this will be staff who have taken any form of extended leave during the year.

No pay in lieu of holidays will be made. The only exception to this will be where staff have not taken their full entitlement prior to their last day of employment – any accrued but unused holiday will be paid in your final salary.

In the event that holiday has been taken over and above that already accrued, we retain the right to make a deduction from your final salary.

## **Carer's Leave**

### **Policy statement**

Employees with caring responsibilities have a statutory right to take unpaid statutory carer's leave from day one of their employment. This policy sets out the Organisation's stance on employees taking time off for this purpose whilst ensuring the Organisation's operations are not unduly affected. The term "dependent" for these purposes is prescribed in law and replicated in this policy. Employees will not be subject to detriment for taking carer's leave.

### **Entitlement**

You are entitled to take one working week unpaid of carer's leave per rolling 12-month period to provide or arrange care for a dependent with a long-term care need. You can request to take your entitlement in a continuous block or separate occurrences, but each occurrence must be at least one-half of your working day.

For these purposes, a week is based on the number of days you normally work in a week. If your normal working time varies from week to week, a week is your average working time in a week taken over the previous 12 months.

A dependent is defined as a:

- spouse or civil partner.
- child
- parent
- person who lives in the same household but is not a tenant, lodger, boarder or employee.
- person who reasonably relies on you to provide or arrange care. This could be, e.g. an elderly neighbour.

A dependent has a long-term care need if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months
- they have a disability for the purposes of the Equality Act 2010
- they require care for a reason connected with old age.

You are not required to provide evidence of your eligibility in relation to a request for carer's leave.

Employees who request or take time off under this policy for reasons other than those for which the statutory right to carer's leave is intended may be subject to investigation and subsequent disciplinary proceedings.

### **Pay for time off**

Time off for carer's leave is unpaid.

### **Requests for carer's leave**

A request for carer's leave must be made in writing (please let the HR Department know if you require any assistance with this) and must specify:

- that you are entitled to take carer's leave in terms of the person to be cared for
- that you will take leave in order to provide or arrange care for that person
- that you have not exceeded your entitlement
- the days on which you want to take leave and if the leave relates to part of a day, specify this fact.

The length of notice to be given is double the amount of time that you want to take off as carer's leave in that instance or three days, whichever is longer.

**Postponing carer's leave**

The Organisation may decide to postpone your request for carer's leave for up to one month, if we reasonably consider that the operation of our business would be unduly disrupted if you took carer's leave at the time you have asked for. We will try to avoid postponement wherever possible.

The Organisation will consult with you before determining a new date for you to take the carer's leave requested. The new period of carer's leave will be for the same length of time as the original request.

The Organisation will confirm to you in writing the reason for the postponement and the new agreed date of leave, no later than whichever is earlier out of: seven days after you gave the request to the Organisation and the earliest day or part-day of the leave originally requested.

## Parental Bereavement Leave

### Purpose

The purpose of this policy is to set out the Company's stance on employee entitlements to parental bereavement leave which are effective from 6 April 2020. The Company is committed to providing support to employees who experience loss in their lives and, in particular, understands that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life. This policy explains rights to time off, pay during time off and other support offered.

### Eligibility

Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. You may take parental bereavement leave if you fall into any one of the following categories:

- A 'natural' parent
- An adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing
- A 'natural' parent where the child has been adopted but a Court Order exists to allow the 'natural' parent to have contact with the child
- An employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt
- An intended parent under a surrogacy arrangement where it was expected that a parental order would be made
- A 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers
- The partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

### Length of leave and how it may be taken

A total of two weeks may be taken as parental bereavement leave and you may choose to take leave as:

- A single block of one week
- A single block of two weeks
- Two separate blocks of one week

Leave may start on any day of the week and must be taken in whole weeks. It may be taken at any time in the 56 week period following the death.

If you have suffered a stillbirth after 24 weeks of pregnancy, you are still entitled to take your full entitlement to maternity and paternity leave, provided you were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

Where more than one child dies or is stillborn, you are entitled to two weeks of parental bereavement leave in relation to each child.

**Notification requirements****Leave to be taken within the first 56 days of the death**

You do not need to give any advance notice of taking parental bereavement leave. The Company asks that you contact your Line Manager by telephone by the time you were due to start work on the day you wish leave to begin, or if this is not possible, as soon as is reasonably practicable, giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

**Leave to be taken later than the first 56 days since the death**

You need to give one week's advance notice of taking parental bereavement leave to HR Advisor by telephone or email giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

**Cancelling or changing leave dates**

You can cancel a period of leave that you have already told us about, as long as the period of leave has not already started. If you wish to cancel a period of leave which was to begin within the first 56 days of the death, you can cancel it by letting us know by your normal start time on the day that leave was originally due to start.

To cancel leave which was to begin later than 56 days after the death, you should let us know no later than one week prior to the intended start date.

You can also change the start date of leave by following the notice requirements above.

**Payment during leave**

You will qualify for statutory parental bereavement pay during leave if you meet the following criteria:

- You have been continuously employed with us for at least 26 weeks by the week prior to the week in which the child dies
- Your normal average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- You are still employed by us on the date the child dies.

Payment will be made at the rate set by the Government each year or 90 per cent of your average weekly earnings (whichever is lower).

In order to receive statutory parental bereavement pay, you must provide us with notice of this and the following information within 28 days, or as soon as is reasonably practicable, of the first day of parental bereavement leave:

- The child's name
- The date of the death or stillbirth
- A declaration that you fall into the one of the categories listed under 'Eligibility' above.

You will be provided with a pro-forma so that you are able to supply us with this information.

**Terms and conditions during leave**

During parental bereavement leave, you remain entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave, with the exception of remuneration. This will include contractual benefits, subject to the terms of these benefits.

**Right to return**

Upon your return to work, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence unless:

- the period of leave you have taken is more than 26 weeks when added to any other period of statutory leave including maternity, paternity, adoption leave etc in relation to the same child and
- it is not reasonably practicable for you to return to the same job.

On your first day back to work, your Line Manager will set time aside to hold an informal meeting with you to discuss any arrangements regarding your return to work and any additional support we may be able to offer you.

**Flexible working**

We appreciate that a temporary period of flexible working may be beneficial to employees after they have suffered a loss. If you would like to discuss this further, please contact your Line Manager. Further information on flexible working can be found in the Flexible Working Policy.

## **Time Off for Dependents Policy**

### **Purpose**

Employees have a statutory right to take a reasonable amount of time off work to deal with emergencies involving their dependants from day one of their employment. This policy sets out the Organisation's stance on permitting employees to take time off for this purpose whilst ensuring the Organisation's operations are not unduly affected. The term 'dependant' is prescribed in law and replicated in this policy. The policy also sets out areas of flexibility that the Organisation may adopt to support employees. Employees will not be subject to detriment for taking time off for dependants.

Employees who use time off for dependants for reasons other than that for which the statutory right is intended may be subject to disciplinary proceedings.

### **Entitlement**

You are entitled to take a reasonable (see below) amount of unpaid time off to take action in relation to unforeseen events involving a dependent, defined as follows:

- spouse/civil partner
- child
- parent
- person who lives in the same household but is not a tenant, lodger, boarder or employee
- those who reasonably rely on you for the provision of care or for assistance if they fall ill. This could be, for example, an elderly neighbour.

It is not possible to define what a reasonable amount of time is because this will depend on the specific circumstances in question. The same event may require varying amounts of time off for different people, or even the same person if it happens more than once on different occasions.

The right to time off extends only to that needed to make arrangements in the event of an emergency. Therefore, it is anticipated that no more than one or two days will be appropriate on each occasion. Arrangements to cover any time off needed in excess of this as a result of an emergency will need to be discussed with your line manager.

### **Events covered by this policy**

An unforeseen emergency, for the purposes of this policy, can cover various events in an employee's life, for example:

- to help when a dependant falls ill, gives birth or is injured or assaulted (including mental illness or injury)
- to make arrangements for the provision of care for a dependant who is ill or injured
- when a dependant dies
- to cope with the unexpected breakdown of arrangements for caring for a dependent (such as a nursing home or nursery closing unexpectedly or a childminder or carer not turning up), and
- to deal with an incident involving a child of the employee which occurs unexpectedly during school hours or in circumstances where the school has responsibility for the child (for example, if the child is injured on a school trip or suspended from school).

Time off for emergencies not involving a dependent e.g. a flood at home, is not covered by this policy, or you need time off for situations you knew about beforehand e.g. taking your child to hospital for an appointment (although you may be entitled to parental leave instead). If you need time off in these circumstances you should speak to your line manager who will seek to agree alternative arrangements for time off with you.

**Pay for time off**

There is no legal obligation on the Organisation to pay employees for time off for dependents so time off for this purpose will be unpaid.

**Notification**

As soon as is reasonably practicable, you must contact your line manager to inform them of your need to take time off for dependants. If you are in work at the time the need arises, you must make reasonable efforts to inform your line manager in person of the need to leave work. If your line manager cannot be located, you should contact the HR Department. If you are out of work when the need to take time off arises, you should notify your line manager by telephone or, in exceptional circumstances where a telephone call is not appropriate, by email.

The reason for your absence/the need to leave and the expected duration must be provided. Failure to do this may result in disciplinary action being taken against you. Your line manager may ask you for evidence of the need to take time off.

If notification is not made as required then the absence may not be categorised as time off for dependents and consequently, where appropriate, disciplinary proceedings may be instigated against you.



## **Compassionate Leave Policy**

### **Purpose**

The purpose of this policy is to set out the Organisation's stance on employee entitlements to compassionate leave. The Organisation appreciates the fact that at times employees will go through difficult situations in their personal life where they may need support from the organisation.

### **Death of close family member**

In the event of the death of a partner, parent, child, grandparent, sibling or stepchild/parent, there will be an entitlement of 2 days' compassionate leave that an employee can take which will be on full pay after 6 months service. This will then be increased to 5 days' compassionate leave which will be taken on average pay after 12 months service.

Where an employee experiences the loss of a child under the age of 18, they will be entitled to take two weeks' parental bereavement leave. Please read the section on Parental Bereavement Leave for more information on this entitlement.

### **Other compassionate leave**

In a situation regarding the death of someone other than a close family member, the line managers' discretion will be used when granting any compassionate leave.

An employee will not automatically have the right to take extended compassionate leave by taking unpaid leave.

### **Requesting compassionate leave**

Often, circumstances will dictate that compassionate leave will need to be requested unexpectedly by the employee. Employees should inform their line manager of their need as soon as possible. The line manager will confirm both the amount of leave to be given and the payment arrangements in respect of this leave. The line manager is then responsible for informing the payroll department of the employees' leave and payment arrangements.

### **Unpaid leave**

Employees have a right to take time off for dependents in order to deal with an unforeseen emergency involving a dependent, including when a dependent dies. This policy does not affect that regulation.

### **Appeals**

If a request for compassionate leave is refused, the employee may lodge an appeal in writing to their line manager's manager. All appeals will be dealt with within a reasonable timescale.

### **Making unfounded requests**

If it is discovered that an employee has abused the policy by making false or inaccurate requests for compassionate leave, this will be regarded as an act of misconduct, and disciplinary action may be taken.

### **Review**

This policy will be reviewed every 2 years.