

**SILVA CARE**

**LEAVE POLICY**

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**Introduction**

Silva Care recognises the contribution of all its employees and also understands that at some stages during their working lives employees may find it difficult to fulfill domestic, family and working commitments due to their responsibilities. We recognise the anxiety this may cause and aim to offer practical support where ever this is operationally possible.

**1. Annual Leave**

The annual leave year runs from 1st April to the 31st March. Annual leave will be calculated on a pro rata basis up to a maximum of 28 days, including bank holidays per year for full time staff, or staff working over 37 hrs per week. All annual leave requests must be made to your line manager with a minimum of four weeks notice, however a leave request is not an automatic entitlement to the days requested. You line manager will need to consider if the request is operationally possible, e.g. how many other staff have requested the same period as leave. Every attempt will be made to ensure leave requests are considered in a fair and equitable manner. In extenuating circumstances managers have the discretion to agree leave at shorter notice, but only if it is operationally acceptable to do so.

In some instances staff may request to book annual leave whilst on sickness absence. This is at the manager’s discretion and would not generally be agreed unless there are extenuating circumstances.

New staff going through the recruitment process will not be penalized at interview if they have already made holiday/leave arrangements. As long leave arrangements are declared at the interview stage all pre-booked leave will be honored.

**2. Annual leave carried over**

Every attempt must be taken to ensure you use your leave within the leave year. Requests to carry leave over will only be considered in extenuating circumstances and then it is at management discretion. If the request is granted it will be for a maximum of 5 days and must be used within a three month period.

**3. Adoptive Leave**

Parents adopting children under the age of 18 may take adoptive leave. The entitlement is 39 weeks paid leave and 13 weeks unpaid leave. Paid leave is a combination of occupational and statutory. For further details please see maternity and Paternity leave policy.

**4. Adverse Weather.**

Silva care has a duty to maintain services wherever it is safe to do so during adverse weather. We support service users who are vulnerable and at critical risk without services. Therefore all staff will be expected to report to work as long as it is safe for them to do so. If you are unable to report to your usual area of work due to road conditions you may be required to work at one of our other bases if it is within a safe walking distance. If you are living in close proximity to a service user who normally receives home care you may also be expected to provide a service. Staff reporting for work will be paid for the shift, even if the shift is cut short. Any staff who are unable to report for work will not be paid.

 Failing to attend work without a valid reason during adverse weather will be treated as unauthorised leave, and may subject to disciplinary action.

Valid reasons will include:

* Emergency leave to care for dependant relatives, e.g where schools are shut.
* Public transport being suspended and staff members not living within a reasonable walking distance of any of the Silva care services.

**5. Compassionate Leave**

Managers have the discretion to grant up to three days paid compassionate leave, for example in the case of prolonged illness or death of a family member or dependent friend.

**6. Court Appearance**

An employee receiving notification that they are required to attend court as a witness or as a defendant must inform their manager who will then authorise unpaid leave. The employee is expected to claim their loss of earnings through the party requesting their appearance at Court, or via court costs.

**7 .Emergency Leave**

Employees have a statutory right to take unpaid time off to provide assistance or take appropriate action to deal with an emergency concerning a dependant.

* A dependant is a spouse, partner, parent, child or any other person who lives in the same household as the employee but is not a lodger, employee or boarder, or may be any other person who relies on the employee for care, eg an elderly neighbor.
* Examples of when an employee may take time off in an emergency include a dependant being taken suddenly ill, the death of a dependant or existing arrangements for the care of a dependant being unexpectedly disrupted.
* Employees should note that in order to take time off work to care for a dependant, the situation must have been unforeseen.
* A reasonable amount of time off work can be taken under this category of leave, of an amount sufficient for the employee to deal with the emergency (eg to arrange for care for the dependant — normally not more than one or two days). Time off for dependants cannot be used to provide long-term care.
* Employees who need to take time off for dependants should inform their manager as soon as is reasonably practicable of the reason for their absence and how long they expect to be away from work.
* You will be expected to complete an absence form for each period of absence.

**8. Jury service**

An employee receiving a summons for jury service must inform their manager immediately. The manager will then authorise the leave request. An employee is required to claim their normal earnings for this period from the court concerned.

**9. Medical Appointments**

All medical appointments and dental appointments should be arranged where ever practically possible outside of the employee’s normal working hours. If it is not possible to do so, e.g. in the case of medical screening please inform your line manager as soon as possible to get the absence authorised. Your manager is entitled to request that the appointment is verified, e.g. to see your appointment card. If the appointment is not of an urgent nature you may be requested to book an alternative appointment. Time off for medical appointments is classed as unpaid leave.

**10. Parental Leave**

* + Employees who are the parents of one or more children under five years of age and who have at least one year’s continuous service are entitled by law to a total of 18 weeks’ unpaid parental leave in respect of each child. This leave may be taken at any time (subject to the employer’s agreement on timing, and the amount of time) up to the child’s fifth birthday (18th in the case of disabled children). This right also applies to employees who have acquired formal responsibility for a child, eg guardians.
	+ Employees who have at least one year’s continuous service and who adopt a child under 18 are also entitled to 18 weeks’ parental leave. The right to leave lasts for five years from the date on which the child was placed for adoption, or until the child reaches the age of 18, whichever occurs earlier.
	+ Parents of disabled children can take a total of 18 weeks’ parental leave up until the child’s 18th birthday.
	+ Employees who work part-time and who have at least one year's continuous service are also entitled to 18 weeks' parental leave calculated pro rata.
	+ An employee may not take parental leave in blocks of less than one week (unless the child is disabled, in which case parental leave can be taken in blocks of a single day or more).
	+ An employee may not take more than four weeks’ parental leave per year per child.
	+ Applications for parental leave must be made in writing to their line manager and employees may be required to provide evidence of their responsibility for the child and the child’s age.
	+ Employees must give at least 21 days’ notice of an intention to take parental leave and should specify the dates they wish the period of leave to begin and end.
	+ Employees may take parental leave (in the case of male employees) immediately after the birth of their child or (in the case of male and female employees) immediately after an adoption provided that they give 21 days’ notice of the expected week of the child’s birth or adoption.
	+ Silva Care reserves the right to postpone a period of parental leave requested for up to six months (unless the leave is requested for the period immediately after a child is born or adopted). Postponement may be necessary where the care service could not cope or would be harmed by the absence of the employee at the time requested. Postponement will be confirmed in writing no later than seven days after the employee’s notice to take parental leave has been received. This will state the reason for the postponement and set out suggested new dates of parental leave.
	+ Employees will remain employed during all periods of parental leave although most contractual terms will cease to apply (unless the employee’s contract states otherwise). The terms that continue to apply are: the employer’s obligation of trust and confidence, terms concerning notice, redundancy compensation (if applicable), and disciplinary and grievance procedures. Furthermore, the employee’s obligation of good faith and any express term prohibiting disclosure of confidential information or participation in a competing business remain active.
	+ No payment will be made for any parental leave taken.
	+ Where both parents are employed by the care service, each will be entitled to parental leave in respect of each eligible child.
	+ Employees returning from parental leave of four weeks or less will be reinstated in their previous jobs. Employees returning from parental leave of more than four weeks will be reinstated in their previous jobs wherever reasonably practicable or, if not, offered similar jobs which have the same or better terms and conditions as the previous jobs.
	+ Employees who do not wish to return to work from parental leave are required to give notice of termination of their employment in accordance with their contract of employment.

**12. Suspended employee’s**

Employee’s suspended from duty are entitled to take annual leave during the suspension period. Any leave not taken in the relevant leave year will be lost.

**13. Territorial and Auxiliary forces**

Employees who are required to attend summer camp must inform their manager immediately. The manager may authorise five additional days leave in addition to the employee’s annual leave. Leave may be denied if the notice period is insufficient, or it would be detrimental to the organisation. Training in addition to summer camps should, where ever possible be arranged outside of the employee’s normal working hours. However in extenuating circumstances the manager has the discretion to authorise time off to attend training courses required by the territorial and auxiliary forces.

**Unauthorised Absence**

**In order to ensure the service run’s safely all of the requests for leave/absence from work must meet one of the reasons and conditions stated above. Any other leave will be treated as unauthorised and will lead to disciplinary action unless the line manager is satisfied that there are extenuating circumstances of an unforeseen nature.**

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| Date Reviewed: | Signature | Next Renewal Date  |
| 06/08/2014 | Sharon Moore  | 06/08/2015 |
| 06/08/2015 | Sharon Moore  | 06/08/2016 |
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