

Special Leave Policy

Introduction

Elizabeth Finn Homes recognises that on occasion employees need access to leave arrangements which support them in balancing their work responsibilities with personal commitments. This form of leave covers a range of needs from genuine domestic emergencies through to bereavement.

This policy and procedure must be used consistently and fairly, ensuring that no employee will be disadvantaged by conditions or requirements which cannot be shown to be justified, particularly those on the grounds of ethnic origin or nationality, gender, gender reassignment, disability, marital status, age, sexual orientation, political or religious beliefs.

Purpose

This policy, along with the Elizabeth Finn Homes Flexible Working Policy and Procedure, provides wherever possible a level of flexibility for an individual employee in their working arrangements.

It also provides a framework in which help may be offered to employees and sets out the circumstances when special leave, either with or without pay, may be granted for absences not covered by any of Elizabeth Finn Homes other leave policies.

The policy aims to ensure that all employees are dealt with consistently and fairly in relation to balancing work and home responsibilities and is the means by which a request for special leave will be addressed.

Elizabeth Finn Homes is committed to providing a fair and timely procedure which supports staff in having leave arrangements which assist them in balancing their work responsibilities with their personal commitments.

Scope

This policy and procedure applies to all colleagues employed by Elizabeth Finn Homes on a permanent contract of employment, either full or part time including those on fixed term contracts. It does not currently apply to contractors, agency or bank staff but this would be reviewed in the light of any change in legislation in relation to temporary staff.

Types of Leave

Special Leave is any paid or unpaid leave that is not covered by 'Annual Leave' or 'Family Leave' and is usually reserved for unforeseen personal or domestic situations – such as a child's illness or a domestic emergency.

Medical or Dental Appointments

These appointments are inevitable but where possible they should be booked outside of working hours. If this is not possible, time can be taken during working hours subject to agreement with your line manager and the time taken should be made up in the following days. This does not need to be marked on any system.

Time off for public duties

This includes being called for jury service or as a witness in a trial. Written notice of your requirement to attend should be provided to your line manager and the absence should be marked on the appropriate system. To avoid any immediate financial disadvantage to the employee, Elizabeth Finn will pay the contracted hours for the employee until they receive reimbursement from the courts at which time we will recover the funds.

Time off to care for dependants

Employees have a right to take a reasonable amount of time off work when it is necessary to:

- provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- make longer-term care arrangements for a dependant who is ill or injured;
- deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant (such as a child-minder falling ill); and/or
- deal with an unexpected incident involving an employee's child while a school or another educational establishment is responsible for them.

For the purposes of this policy, dependants are anyone who reasonably relies on an employee to provide assistance, including the employee's partner, parent, child, and someone who lives in the same house as the employee.

Reasonable time off in relation to a particular problem will not normally be more than one or two days. However, Elizabeth Finn Homes will always consider each set of circumstances on their facts.

In these situations, up to 5 days paid leave may be granted in any rolling 12-month period and should be marked on the appropriate system.

This leave applies where it is necessary to take action because of an immediate or unexpected crisis. This policy does not apply where an employee needs to take planned time off or provide longer-term care for a dependant.

If an employee is regularly needing to take time off for dependants, then reference should be made to the Elizabeth Finn Homes '*Flexible Working Policy*' and this need should be discussed with their line manager and Human Resources.

Elizabeth Finn Homes may in some cases ask the employee to provide evidence for their reasons for taking the time off, either in advance or on their return to work. Suspected abuse of this Policy will be dealt with as a disciplinary issue under the Elizabeth Finn Homes '*Disciplinary Procedure*'

Carers Leave

From day one of employment, employees are entitled to unpaid Carers Leave which can be used to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability as defined in the Equality Act 2010
- care needs because of their old age

The dependant does not have to be a family member. It can be anyone who relies on them for care.

Employees are entitled to Unpaid Carers Leave from day one of their employment with Elizabeth Finn Homes and all contractual employment rights are protected during a period of Unpaid Carer's leave.

Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

Unpaid Carers Leave can either take a whole week off or as individual days or half days throughout the year.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

Employees are required to provide their employer notice before they would like their leave to start.

- If the request is for half a day or a day, the notice period must be at least 3 days.
- If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.
- The notice period needs to be in full days, even if the request includes half day amounts.
- The request does not have to be in writing.
- Employees do not need to give evidence of their dependant's care needs.
- If you need to look after someone in an emergency, you can take time off for this without giving a notice period.

Elizabeth Finn Homes will not unreasonably refuse a carer's leave request but can ask the employee to take it at a different time. They can only do this if the employee's absence would cause serious disruption to the organisation.

If it is necessary to delay your Carers Leave we are required to:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

Compassionate Leave

Elizabeth Finn Homes recognises the importance of providing support to grieving employees.

For the purposes of this Policy, 'close family' includes a spouse or partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, step-sibling, or sibling-in-law.

Elizabeth Finn Homes will support employees to pay up to two weeks of this leave at an employee's full salary. This period of leave should be marked on the appropriate system.

Elizabeth Finn Homes will consider requests for compassionate leave due to other traumatic events, such as the death of a close friend or other difficult personal circumstances on a case-by-case basis.

If the employee is unable to return to work following compassionate leave, the employee should contact their line manager. Elizabeth Finn Homes may, at their discretion, grant the employee further unpaid compassionate leave in those circumstances. Alternatively, the employee may be able to take a period of annual leave, subject to their line manager's approval.

If the employee requires longer term changes to their working arrangements, they should consult with their line manager in the first instance and consider making a request under Elizabeth Finn Homes '*Flexible Working Policy*'

Neonatal Care Leave

Elizabeth Finn Homes understands that having a child in neonatal care is an extremely stressful and challenging experience. As an organisation, we are committed to supporting you and doing what we can to help ensure that you are able to be by your child's side while looking after your own health and wellbeing.

Under the Neonatal Care (Leave and Pay) Act 2023, employees who become parents on or after 6 April 2025 will be entitled to take paid leave if their newborn requires neonatal care. This will be a 'day one' right with no qualifying period of service necessary to be eligible.

Further information in relation to Parental Neonatal Care Leave is contained within the Elizabeth Finn Homes Family Leave Policy.

Parental Bereavement Leave

In the sad event that an employee of Elizabeth Finn Homes suffers the trauma of losing a child of under the age of 18, including a stillbirth, they would be supported with up to two weeks' paid leave.

If they feel unable to return to work following the two week period, they should contact their line manager, who can offer additional unpaid compassionate leave or arrange for them to use annual leave to extend their absence.

Further information in relation to Parental Bereavement Leave is contained within the Elizabeth Finn Homes Family Leave Policy.

Volunteering Leave

To encourage Elizabeth Finn employees to gain new experiences and skills outside of the workplace, employees can arrange two paid Volunteering Days per annual leave year. Examples include volunteering at a foodbank, helping in a school or becoming a trustee at another organisation.

If an employee wants to take a Volunteering Day, they should provide details of the volunteering to their line manager and get their authorisation. This should then be marked on the appropriate system. The line manager should also advise HR who track requests to understand how much this leave is being taken up by employees. Permission for this is subject, at all times, to the needs of the organisation.

Time Off in Lieu

We acknowledge it is our duty to protect the health and safety of our employees by ensuring that they do not work excessive hours, and that any additional hours are agreed in advance and monitored appropriately. It is the responsibility of the line manager to oversee their team's workloads to ensure work is completed within the normal working week.

The Time Off in Lieu (TOIL) process is a guideline for line managers to assist them in planning and managing the working hours of employees who are asked to work additional hours when there is a busy period, specific event or a peak in workload. However, we recognise, that TOIL is voluntary and is not a contractual obligation.

It is imperative that the provision of services must always take precedence and it is a line manager's responsibility to ensure that this is observed. Line managers will always consider allocating TOIL as an alternative to paid overtime, wherever possible. However, in certain circumstances, it may be appropriate for any employee within an operational role to be compensated for additional hours by use of overtime rather than TOIL.

When asking an employee to work overtime, the Working Time Regulations 1998 must be considered. These guidelines state that an individual should not work more than 48 hours per week on average. (Further guidance on the application of the Regulations is available from HR).

When additional staffing hours are required, the line manager should consider whether TOIL is the most appropriate method to use to cover this. The line manager should ensure:

- That working additional hours is voluntary.
- Employees receive appropriate breaks during additional work in order to comply with our Health and Safety procedures.

TOIL for additional hours must be authorised in advance by the General Manager using the TOIL request form of any additional hours worked, by the employee's line manager. If prior authorisation is not in place, then the additional hours will not qualify for the accrual of TOIL and will be lost.

Time off accumulated through TOIL arrangements must be equal to time actually worked – i.e. plain time. There is no enhancement for time accumulated through TOIL at a weekend. It is the employee's responsibility to take TOIL in agreement with the General Manager during their employment and no TOIL will be paid when an employee leaves the organisation.

TOIL does not need to be logged on any system.



Elizabeth Finn
Homes

Review date	Next Review Date
April 2025	April 2028