

Family Nursing & Home Care Leave Policy and Procedure

Approved By: P Massey, CEO
Date Approved: 05.07.11
Date for Review: 05.07.14
Relevant Family Nursing and Home Care Policies: Human Resources

Statement of Intent

This procedure should be referred to when completing:

Annual Leave Request Form

- Request of leave in the excess of two weeks Statutory and public holidays
- Time In Lieu
- Special Leave

Urgent Domestic Distress (Carer's Leave)

- Involvement in other specified services (i.e. territorial army, representing the Island in sporting events, honorary police, jury service and rape counsellors, Royal National Lifeboat Institute, retained fire fighters, Jersey Employment Tribunal)

Study Leave

Staff are required to follow the procedure to assist in ensuring service provision is maintained and that there is fairness in the allocation of annual leave.

At peak times of the year, e.g. July/August and Christmas, there will be many requests. These should be shared between colleagues where appropriate; there is no automatic right to a particular time every year.

Scope/ Responsibility

This applies to all employees and specifies information regarding entitlement, actions to be taken by Employees and Managers. It does not apply to bank or agency staff.

Process

General Provisions

The full annual leave year for all employees runs from 1st January to 31st December.

Employees who are employed on a part-time basis will receive pro rata holiday entitlement within alignment of contracted hours.

Employees joining Family Nursing and Home Care within the annual leave year will receive pro rata holiday entitlement and this should be calculated with reference to the number of calendar weeks of service completed by 31st December with the result being rounded up to a full day.

The basic full time annual leave provisions for Home Care Assistants/Health Care Assistants/ Nursery Nurses and qualified nursing staff are detailed in the table below :-

Home Care / Health Care Assistants/ Nursery Nurses	4 weeks & 1 day	157.5 hours
Home Care / Health Care Assistants/ Nursery Nurses with over 5 years continuous service	4 weeks & 3 days	172.5 hours
Home Care / Health Care Assistants/ Nursery Nurse with over 10 years continuous service	5 weeks & 1 day	195 hours
Qualified Nurses	5 weeks & 1 day	195 hours

The basic full time annual leave provisions for administration and stores staff, as per the table below:-

Grades 1-10 (equivalent to Civil Servants pay grade)	
Period of service	Leave
Not exceeding 5 years	4 weeks and 2 days
Exceeding 5 years but not exceeding 10 years	4 weeks and 4 days
Exceeding 10 years but not exceeding 13 years	5 weeks
Exceeding 13 years but not exceeding 16 years	5 weeks and 1 day
Exceeding 16 years but not exceeding 20 years	5 weeks and 2 days
Exceeding 20 years	5 weeks and 3 days
Grade 11 and higher grades (equivalent to Civil Servants pay grade)	
Period of service	Leave
Not exceeding 5 years	4 weeks and 4 days
Exceeding 5 years but not exceeding 10 years	5 weeks and 1 day
Exceeding 10 years but not exceeding 20 years	5 weeks and 2 days
Exceeding 20 years	5 weeks and 3 days

(Service based increases in annual leave in the anniversary year should be calculated with reference to the number of completed weeks in the high annual leave banding and prorated into days and hours and rounded up to a full day)

Annual Leave on termination of employment

On termination of employment an employee shall be entitled to receive payment in lieu for that proportion of the paid holiday not already taken. The Association may exercise the right that any time owing to the employee in respect of lieu hours or holiday entitlement may be required to be taken during notice period.

If an employee has taken more holiday than their service in the year allows at the time of termination, then the employer is entitled to receive from the employee payment equal to the excess holiday taken.

Request for leave

For Nursing and Home Care Staff – at least three weeks of annual leave entitlement should be booked at the beginning of the year with first and second choices identified where appropriate and should be submitted by the end of January. Failure to book all leave will inevitably lead to difficulties with staff's choices throughout the rest of the year.

Discussion should take place within the team when annual leave is being considered to ensure that all teams' requests and course allocations are taken into consideration.

Senior management team should liaise with each other to ensure adequate cover is provided for service provision when on leave.

All requests for leave must be agreed by the line manager, staff with two or more posts, must have requests agreed by all line managers before making any bookings with travel agents etc.

Requests for leave in excess of two weeks must be approved by the Operational Lead.

Requests should be made on the annual leave forms issued each year (copy attached). It is the responsibility of the staff member to ensure amendments are noted by all concerned.

Any last minute requests and amendments will have to take into account leave that has already been approved and any course allocations.

Annual leave should not be carried over to the following year, unless exceptional circumstances arise. A maximum of three days will be honoured which must be taken within the first quarter of the following annual leave year. Exception will be given to any employee that has accrued annual leave due to long term sickness period. All circumstances should be discussed with line managers.

Sickness on Annual Leave

If sickness occurs during annual leave, then the annual leave will be re-allocated at a later date if a medical certificate is produced as evidence.

Statutory and Public Holidays

Family Nursing and Home Care employees are entitled to take statutory and public holidays.

District Nursing and Home Care staff – provide a continuous service, therefore statutory and public holidays are factored into their total leave allocation and are taken in as part of their annual leave.

Halsbury days – nursing staff only – Nursing staff are entitled to Halsbury days. Family Nursing and Home Care recognise the Halsbury days and they have been factored into the total leave allocation of nursing staff as recorded in their individual employment contracts

All other staff employed by Family Nursing and Home Care currently take statutory and public holidays on the days that these fall.

Travel Arrangements Delayed or Cancellations

If an employee is out of the Island on annual leave, and discovers that due to unforeseen circumstances they are unable to travel due to the operator (airline/shipping agent) being forced to rescheduled/cancel your journey and you are unable to return to work as planned it is the employees responsibility to notify their line manager or someone else of authority where possible prior to planned day of return to work.

Should your journey have been cancelled or rescheduled by the operator and you are unable to return to work for your rostered duties, then the employer is entitled to receive from the employee equal time taken by one of the following actions:-

- Take as time of in lieu (if the staff member has some owed to them) or make up the time lost over an agreed period
- Use some Annual Leave entitlement
- Unpaid Leave

Time in Lieu/Time Owing

Staff are employed to work within contracted hours. However because of the nature of the services the Association provide, it is accepted that occasionally staff will exceed their normal working hours. Staff should ensure that their diaries are a true reflection of their working days.

Depending on the discipline when additional hours are worked by staff they may either claim overtime or take the additional hours **'time owing'** as time in lieu.

These arrangements are only valid if the employee has worked for more than half an hour over their normal working day **and** more than their contracted hours in the week.

District Nurse and Home Care staff complete overtime and extra duty payment forms as appropriate (*refer to the 'staff allowances and supplementary payments procedure'*). Other disciplines, including Managers, Administration, Stores, Health Visitors etc., will apply for time in lieu – only in exceptional circumstances when time in lieu cannot be given will overtime payments be made.

Accruing hours distorts manpower availability and it is the responsibility of both staff and managers to ensure that time owing is managed appropriately. Managers must keep a proper account of additional hours worked in all areas they are responsible for.

Taking time in lieu

Time in lieu should, wherever possible, be agreed with the line manager in advance of the overtime to be worked. It is recognised that clinical staff will not always be able to agree overtime in advance. A record of the date and time worked, and hours to be taken in lieu should be made on the back of the annual leave form.

Additional hours should, if possible, be taken by staff of all grades as time off in lieu at the convenience of the service and the individual, and will be calculated as follows:

- If a staff member chooses when they will take off time in lieu, it will be calculated as plain time

- If a staff member is obliged to take off time in lieu when the association specifies, it will be calculated at the appropriate premium rate

- If additional hours are worked on a bank or public holiday, double time will be allowed in lieu

Whenever possible time in lieu should be taken off within a month of it being accrued. If time off in lieu cannot be taken within a three month period, the employee may carry forward the time or claim monetary payment.

It is not acceptable to accrue hours for additional days off unless by prior arrangement with the CEO or your Line Manager, and should occur only in exceptional circumstances.

Special Leave guidelines for all staff

The purpose of the special leave is to provide management with the facility to respond to the needs of individual employees who need time off work to deal with urgent and unforeseen domestic situations that may arise from time to time. It is expected that managers and staff will take a considerate and common sense approach to the use of special leave. The granting of special leave must remain at the absolute discretion of management and its use should be the exception rather than the rule, with regard to service requirements.

In general, it is intended that annual leave should be used for activities that can be planned in advance and that special leave will cover those aspects which cannot be planned, such as domestic crises and bereavement.

Special leave in accordance with the guidelines specified below may be granted by Line Managers authorised by CEO for this purpose, and special leave in excess of that maximum may be granted at the absolute discretion of the CEO.

Applications for special leave

In the event of an urgent domestic crisis or family bereavement, an employee should contact their Line Manager/Operational Lead/Locality Co-ordinator as soon as practicable with a request for time off work. Formal approval for special leave, if appropriate, should then be obtained as soon as possible thereafter.

If a request for special leave is denied, an explanation should be given to the individual, outlining the reasons for the decision. Should the employee wish to appeal against the decision, they shall be entitled to receive the explanation in writing.

Appeals

If an employee wishes to appeal against the refusal to grant special leave: they should provide written details to Line Managers within 5 working days of the request being denied, which will be submitted to the CEO, who will determine whether the request has been reasonably refused or whether it should be granted and advise the employee accordingly as soon as possible. No further appeals will be considered.

Bereavement

In the event of the death of a close family member (i.e. spouse or common law partner, parent, child, sibling) special leave with pay, up to, normally a maximum of five days (including the day of the funeral) may be granted by the Line Manager or nominee, who will keep the CEO informed according to the individual circumstances of the case concerned.

Special leave with pay may also be granted by the line Manager or nominee, for, normally, up to one day in order to attend the funeral of a relative outside of the immediate family.

In exceptional circumstances, line managers may have regard for considerations such as the emotional distress of the employee, arduous travel arrangements which may mean leaving the Island or particular responsibilities for funeral arrangements to extend the above entitlement. Consideration should be given to the use of annual leave, extended paid special leave or unpaid leave, depending on the circumstances of the case. Such extensions are at the absolute discretion of the CEO and are subject to the requirements of the service.

Urgent domestic distress (Carer's leave)

The aim of such leave is to provide a compassionate response to immediate needs and to allow staff time to care for dependents which working will not allow. The leave is essentially short term, arising from the varied domestic situations which arise from time to time such as:

- illness of child/dependent
- breakdown of normal nursing or carer arrangements
- burglary or serious damage to property by flood, fire, storms, etc

Special leave with pay of normally one day may be granted by the Line Managers or nominee, according to the individual circumstances of the case concerned, in cases of urgent domestic distress.

An appropriate medical confirmation may be required where special leave is required to care for a dependent in the absence of alternative care arrangements. Every effort should be made by the employee to arrange alternative nursing or care arrangements at the earliest opportunity.

Where an employee is unable to make alternative arrangements to deal with the situation after the first day, the CEO has discretion to extend the special paid leave.

If an employee's special leave requirement to deal with urgent domestic matters should exceed six days in any 12 months period, consideration should normally be given to supplementing paid special leave with annual or unpaid leave.

In strictly exceptional circumstances, the CEO may, having regard to corporate policies, exercise their discretion to extend this special leave, with due consideration to the use of annual and unpaid leave.

As part of the associations audit process, use of these guidelines will be monitored and are part of the sickness and absence procedure. Staff special leave is to be recorded and signed off on the annual leave form in the designated area provided.

This policy should also be referred to when considering applications for:

- overseas aid
- active duty (i.e. reservists or territorial representing Jersey in sporting events)
- honorary police
- rape counsellors
- jury service
- Royal National Lifeboat
- Institute retained fire fighters
- Jersey Employment Tribunal

Study Leave

Generally attendance at courses required by the Association is viewed as part of the development of employee's details are contained in the training procedures.

Leave Policy – document history

Version	Who Changed	Date	Approved by
1.0	New Policy	10.07.03	K Huchet
1.1	HR Dept	05.07.11	P Massey

Version	Narrative