

# Pabulum Time Off and Leave Policy (52 week contracts)



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# **Pabulum Time Off and Leave Policy (52 Week Contracts)**

## **Contents**

Policy Purpose .....	3
Compassionate Leave .....	3
Dependants Leave .....	3
Family Friendly Absences .....	4
Jury Service .....	4
Holiday Entitlement and Holiday Pay .....	4
Long Service Additional Entitlement.....	4
Compulsory Holiday.....	7
Adjustments when Leaving the Company .....	7
Holiday during Maternity or Adoption Leave.....	7
Holiday during Sickness & Absence.....	8
Leaving or Finishing Work Early .....	8
Medical Appointments.....	8
Holiday - whilst off work due to sickness.....	8
Holiday - sickness immediately before and after holiday .....	8
Pregnancy and time off work for Antenatal Care.....	9
Timekeeping .....	9
Unauthorised Absence or Absence without Leave (AWOL) .....	9
APPENDIX 1 – EXTENDED LEAVE/HOLIDAY LETTER .....	10
APPENDIX 2 – EXTENDED HOLIDAY REQUEST FORM .....	11

## Policy Purpose

This policy applies to **Support Office** and **Field Based** employees.

Pabulum believes that all employees deserve a good holiday, and it is for every employee's health, safety and well-being that the full entitlement is taken each year. All employees working 5 days a week on a 52 week a year contract are entitled to at least 24 days paid holiday per annum, this **excludes** public or bank holidays per annum. Those employees who are employed to work term time/reduced weeks in the year, receive equated pay which provides regular monthly earnings all year round. These employees are deemed to have taken and been paid for all holidays.

This policy applies to all employees of Pabulum Limited, although it is important to note that a different approach may be adopted when dealing with employees within their probationary period and this is set out in our separate guidance on the management of probation.

This policy does not form part of employee's terms and conditions of employment and may be subject to change at the discretion of the management.

## Compassionate Leave

Up to 3 day's paid leave may be granted to employees who have suffered the death of an immediate family member (generally defined as mother, father, spouse, partner, children, siblings or grandparent) or any person living as a member of the employee's household.

Additional unpaid leave may be granted at the discretion of the employee's manager (or Operations Manager if unit based).

All leave requests will be treated sympathetically and where operationally possible the appropriate amount of paid time will be granted.

## Dependants Leave

Pabulum recognises that there may be occasions where employees may need to take time off work to deal with unexpected events involving one of their dependants. At such time employees are allowed a reasonable amount of unpaid time off to deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant (such as a child-minder falling ill or injury/assault); and/or deal with an unexpected incident involving their child whilst at school or another educational establishment responsible for them.

The purpose of this time is to make longer-term care arrangements for the dependant.

A dependant for the purposes of this policy is: a spouse, civil partner, parent or child; a person who lives in the same household, but who is not a tenant, lodger, boarder or employee or anyone else who reasonably relies on the employee to provide assistance.

Reasonable time off will not normally be more than one or two days. However, we will always consider each set of circumstances on their facts.

The time is to take action which is necessary because of an immediate or unexpected crisis. It does not apply where there is a need to take planned time off or provide longer-term care for a dependant.

Whether action is considered necessary will depend on the circumstances, including nature of the problem, the closeness of the relationship and whether anyone else is available to assist. Action is unlikely to be considered necessary if the problem is known in advance and the employee has not tried to make alternative care arrangements.

Employees may be asked to provide evidence for the reason for taking the time off, either at the time or upon return to work. Suspected abuse of this policy will be dealt with under the disciplinary procedure.

### **Family Friendly Absences**

Brief details are given below regarding sickness absence whilst an employee is pregnant/requires time off for ante-natal appointments. Please see the Pabulum suite of Family Friendly policies for full details on absence relating to Adoption, Maternity, Paternity, Shared Parental and Parental Leave.

### **Jury Service**

In the event of the employee being called up for jury service, they should advise their manager at the earliest opportunity to discuss the matter. Jury service normally lasts for 10 working days but may be longer. The employee should provide their manager with a copy of the court summons and any other relevant documentation for forwarding to the People Team. Managers will record on timesheets that the employee is on Jury Service.

Where Pabulum considers that an employee's absence on jury service could cause substantial detriment to the business, they will be asked to make an application for excusal or deferral, as appropriate. Where we consider that this applies, the employee should not submit an application for excusal or deferral before we have provided them with a letter (and any other relevant evidence) to support the application.

Employees will continue to be paid while on jury service at the normal rate of pay, subject to the deduction of any monies received from the court in respect of loss of earnings. The employee will receive, with their jury summons, a Certificate of Loss of Earnings or Benefit, which the employee can complete (with assistance from the People Team) and submit to HM Courts and Tribunals Service (HMCTS) to receive reimbursement, up to a limit, for loss of earnings incurred due to being absent from work due to jury service. The employee will be paid as normal until their reimbursement has been processed, whereupon the employee is obliged to present the employer with the receipt for the reimbursement. The employer will then make the appropriate deduction from the employee's pay.

If the employee's services are not required for any part or whole court day, they will be expected to return to work for the remainder of the working day.

If the employee's jury service ends before the expected 10-day period (or such longer period as the court may have indicated to the employee that they will be required for) the employee will be expected to return to work for the remainder of that period.

### **Holiday Year**

The holiday year is from 1st May to 30<sup>th</sup> April. Employees should strive to ensure all holiday is taken during the holiday year in which it is accrued. There will be no payment in lieu made for holidays not taken. The Company allows 3 days holidays to be carried over to the following holiday year (5 days in 2020/21 due to C-19), this is a maximum amount to ensure working time regulations are complied with, which require all full-time employees to take at least 28 days paid leave (including statutory holidays).

### **Holiday Entitlement and Holiday Pay**

Annual entitlement expressed in weeks equates to 24 days based on a 5 day a week contract and working week. The total number of days does not increase if someone works more than 5 days per week.

### **Long Service Additional Entitlement**

Subject to an employee's contractual terms additional leave can be added to annual entitlement for those employees who have served 5, 10 and 15 year's continuous service. This additional entitlement will be stated in employees' terms and conditions of employment and may not apply to all employees.



## Calculating Entitlement

Entitlement is calculated as 1/52<sup>nd</sup> of basic annual entitlement. When calculating pro-rata entitlements for starters or leavers throughout the year, only completed weeks worked will be used in calculations. 1 month's entitlement equates to  $24 \div 12 = 2$  days per month. 1 week's service equates to 0.46 days. Days will be rounded up or down to the nearest half day.

For example – Full Time Employee: if an employee working 5 days joins 6 months into the holiday year, i.e. 1<sup>st</sup> July they will be entitled to  $6 \times 2$  days = 12 days for the remainder of the holiday year.

Anyone who works less than 5 days a week will enjoy holidays on a pro rata basis. Anyone who works different hours on different days will have their holiday entitlement expressed in hours.

## Planning and Taking Holiday – (Covid-19 pandemic – additional measures \* )

- 1.1 All holidays must be authorised in advance by the line manager and as much notice as possible should be given. Legislation requires advance notice of at least twice the number of days holiday the employee wishes to take. For example, for 2 days holiday, a minimum of 4 days' notice must be given. The Manager can exercise discretion in authorising holiday requests made at shorter notice. You must not make travel bookings until approval has been given.
- 1.2 \* You will be required to confirm as part of your holiday request your destination of travel if any and may be required to produce evidence as to any booking made. The destination of travel and the ability to work on your return depend on factoring in any quarantine regulations will be considered before approval by the line manager is confirmed. We may advise against certain areas of travel due to the risks and consequences regarding quarantine and the associate costs.
- 1.3 \* Please bear in mind that the Government guidance in relation to foreign travel may change with little or no notice. You must follow the Government guidance applicable from time to time and may be required to self-isolate or quarantine as a consequence.
- 1.4 \* Should you be unable to return to work at your usual place of work on your return from holiday you should notify your line manager immediately who will confirm the arrangements that will then apply to your absence from work.
- 1.5 \* If you can work from home, you may be required to do so during any period of self-isolation or quarantine. If so, you will continue to be paid as normal. If it is not possible to accommodate a homeworking arrangement either due to the nature of your role or because you are required to stay in a managed quarantine hotel, you will need to take annual leave to cover any period of absence. If you have insufficient accrued holiday to cover the period of absence, then we may refuse your request for annual leave or if the self-isolation or quarantine is unexpected or your circumstances change whilst on holiday you may be granted unpaid leave to cover the remainder of your absence. Please be aware that if you are unable to return to work and you cannot work from home or remotely you may not be entitled to any pay for your extended absence. You will not be entitled to sick pay (statutory or otherwise) unless you are sick and unable to work in which case you will be required to comply with our sickness absence policy in terms of notification and evidence of ill health.
- 1.6 We may require you to take (or not to take) holiday on particular dates, including when the business is closed, particularly busy, or during your notice period and to particular destinations.
- 1.7 \* ALL people arriving from overseas will be subject to the rules of quarantine, whether they have had their vaccine or not.

Line Managers and Department Heads are required to keep records to monitor entitlements and to ensure the department is adequately staffed during holiday periods.

***No travel arrangements or commitments should be made until the annual leave has been authorised and agreed by the line manager.***

Holiday requests will be considered on a first come, first served basis, although exceptions may be made where an employee has not been able to take holiday for any reason.

It is the responsibility of the employee to plan their holidays and to ensure their annual entitlement is taken. A maximum of 2 weeks holiday (10 working days) may be taken at any one time.

### New Employees

The Company will endeavour to honour a pre-existing holiday commitment. This must be documented at the time the offer is made or accepted. The employee will be paid only for the amount of holiday that has been accrued by the time the holiday is taken. The remainder of the holiday will be unpaid.

### Extended Holiday

The Company accepts that in rare circumstances there may be a requirement to take extended leave. This will normally be treated as unpaid and must be agreed before the holiday starts.

The Manager will consider the employee's work record, if the business will be affected by the extended leave, the reasons for extended leave request, and past holiday patterns of the employee requesting the leave. Again, a first come, first served basis will apply.

In all cases written agreement will be required from both the company and employee. The Manager will be required to write to the employee stating the extended holiday leave and the date by which the employee must return. Failure to return on the date specified will lead to disciplinary action. See Appendix 1.

### Religious Holidays

Since the dates are known well in advance, it is recommended that any such holidays are booked well in advance to reduce the risk that there are operational reasons which may prevent those days being granted. Requests for time off for religious holidays, that are not a public/statutory holiday, will be granted on a first come, first served basis and only if the business can support these requests without detriment to the service delivery. Time off for religious observance will be taken as part of the paid holiday entitlement.

### Holiday Rules

3 days only (5 days 2020/21) may be carried over in the event that the employee was unable to take holiday in the holiday year. This does not apply to those employees based in contracts, working 52 weeks a year, since the annual entitlement is 20 days a year plus statutory holiday.

In exceptional circumstances when employees work additional days over and above what is normally required, then their line manager can action a day in lieu which can be taken at a later date.

In exceptional circumstances the company may impose compulsory holiday on employees who have a large number of days to take towards the end of the holiday year. This would particularly occur should the employee be off sick earlier in the year and be unable to take holiday at the given dates.

Should an employee fail to return to work on the agreed date after a holiday, without notification of an acceptable reason, he/she will be **suspended without pay** from the agreed date of return and the matter will be dealt with under the disciplinary procedure upon his/her return. Should the employee know that they will be late returning from holiday, they should inform their line manager as soon as possible.

The Company also reserves the right to decline requests for holiday during peak business periods. Therefore, for commercial and business reasons, because these periods are the busiest and most important times of the year for the business, holidays may be refused.

When an employee wishes to take holiday early in the holiday year, or before they have accrued sufficient holiday entitlement, it is possible at the Company's discretion to allow an employee to take paid leave. Managers can use their discretion to allow employees to take holiday and receive holiday pay in excess of their accrued entitlement. In the event the employee leaves employment any holiday pay received in excess of accrued entitlement will be recovered.

### Compulsory Holiday

To ensure that holiday is taken, a Manager may enforce holiday where employees have deemed not to have booked or used their entitlement, in order that they don't miss out.

The Company reserves the right to require employees to take holiday during office closures/or during notice periods in order that contractual obligations are met. For instance, the office in Fleet does not open during Christmas/Bank Holidays.

### Adjustments when Leaving the Company

If the employee has holiday entitlement outstanding when he or she leaves the Company, the Company will pay the employee for the relevant time accrued and will add the appropriate sum to their final pay. The amount owed will be determined by calculating the accrued amount up to the leaving date less the amount of holiday taken so far. See Calculating Holiday Entitlements. Note that employees who leave within the trial or probation period are still entitled to pro rata holiday pay.

The Company reserves the right to require any individual working their notice to take any outstanding holiday entitlement during the notice period. Employees can also with the agreement of the Company, take any outstanding holiday during their notice period, to secure an earlier release date from their duties.

If, when leaving the Company, the employee has taken more paid holiday than he or she has accrued, an appropriate deduction will be made from his or her final monies, this may include any bonus/commission due. Where insufficient money is due, then any expenses will be reduced by the appropriate amount. The Company reserves the right to request payment from the employee for the outstanding amounts owed.

### Holiday during Maternity or Adoption Leave

The Company can request that any outstanding holiday entitlement due when the maternity leave starts should be taken by this date. Employees accrue holiday entitlement during both the 26 weeks Ordinary Maternity Leave period and also during the 26 weeks Additional Leave period.

The Employee may:

- take any such outstanding holiday accrued up to commencing maternity leave; or
- agree in conjunction with the line manager to carry this leave over into the next holiday year and take it prior to or on return to work after maternity leave;
- or agree that the outstanding holiday is paid should the employee leave the company.
- any accrued holiday whilst on maternity leave cannot be paid at the end of the holiday year when the maternity leave continues into the next holiday year. In these cases holiday can and will be carried over into the new holiday year.

## Holiday during Sickness & Absence

If an employee is sick whilst they are off work on holiday, they can claim back the holiday days as long as they can produce a Statement of Fitness for Work for the sickness period.

If an employee has the misfortune to fall sick prior to a pre-arranged holiday and this prevents them from going away or taking the holiday, then they will receive sick pay subject to receipt of the Statement of Fitness for Work, the cost of which should be borne by the employee. A copy of this statement is acceptable, as the original may need to be retained for any travel insurance claims. If not provided, the employee will be classed as 'on holiday' and will receive holiday pay. Foreign language Doctor's notes are acceptable, but must be translated into English, again, the cost of which must be borne by the employee.

Employees who fall sick and provide the necessary documents to reclaim holiday days are able to do so. If the employee has the misfortune to fall sick during the last few weeks of the holiday year, they will only be able to carry over more than 3 (5 days 2021/2022) days entitlement into the following holiday year if there is not time to take the holiday within the current holiday year. If there is time to take the holiday this may result in the Company determining the date of the holiday to be taken. So, they do not suffer any financial loss, employees may request that; for the period that they were off sick; instead of receiving SSP pay (if company sickness does not apply) after the first 3 days, they remain classed as being on holiday and therefore in receipt of holiday pay. In this case, the employee's remaining holiday entitlement will reflect this.

## Leaving or Finishing Work Early

If an employee needs to leave work early, they must have the authorisation of their manager. Time will be unpaid unless it is agreed that the time can be made up. Please see the company policy for leaving early due to illness.

## Medical Appointments

Employees are normally expected to ensure that appointments to visit the doctor, dentist, hospital etc are made in their own time and outside normal working hours.

If this is not reasonably practicable, reasonable time off from work may be permitted with the agreement of their manager providing that the appointment is substantiated with an appointment card or letter and the time of the appointment causes as little disruption as possible. Appointments made during working hours will normally be unpaid and not counted as part of sickness absence although employees can agree with their manager that the time may be made up.

## Holiday - whilst off work due to sickness

Employees will continue to accrue holiday whilst absent from work due to ill health/injury, although will be required to produce medical evidence of their sickness. In accordance with the rules concerning the holiday year there is no right to carry over unused holiday into the following year (subject to the rules in this policy). Employees will not be entitled to a day off in lieu if they are sick during a public or Bank Holiday when this is above the statutory annual leave entitlement. Information on statutory annual leave entitlement can be found at [gov.uk/holiday-entitlement-rights](http://gov.uk/holiday-entitlement-rights).

## Holiday - sickness immediately before and after holiday

Any employee absent due to illness either prior to pre booked holiday or immediately before the end of term are still required to adhere to absence reporting procedures, including the provision of a medical certificate if the absence means that they are not at work for more than 7 calendar days.



## Pregnancy and time off work for Antenatal Care

Employees who are pregnant are entitled to reasonable paid time off for antenatal care. Employees are required to give their manager as much notice as possible of these appointments and provide an appointment card or similar documentation.

Partners of pregnant employees are entitled to unpaid time off to accompany the pregnant woman to 2 antenatal appointments up to a maximum of 6.5 hours per appointment.

If an employee is advised by their doctor or midwife to attend any appointment other than antenatal appointments, there is a requirement to provide a letter confirming this from their doctor or midwife. If other appointments are required for medical reasons, then the time granted to attend appointment will be paid.

Pregnant employees who are off work because of pregnancy-related ill health must abide by the Company's absence reporting procedure. For example, a pregnant employee is subject to the usual notification and evidence requirements and can be asked to attend a return-to-work meeting when returning to work.

However, any sickness absence by a pregnant employee for a pregnancy-related reason is not included when checking to see if there is need for formal action under the Company's absence management procedure.

If the manager is in any doubt as to whether or not a pregnant employee's absence is related to their pregnancy, the manager should contact the People Team for clarification. If there is absence for a pregnancy-related reason in the last 4 weeks before Expected Week of Childbirth, maternity leave will start on the following day.

## Timekeeping

It is the employee's responsibility to report for work on time and in accordance with agreed hours.

An employee will be regarded as late if they are not in full uniform (if applicable) and not ready to commence work at their normal starting time.

Similarly, employees are required to remain in work at least until the finishing time defined on the rota/contract of employment unless granted permission by their manager to leave work before that time.

Persistent lateness may be viewed as misconduct and may lead to disciplinary action.

## Unauthorised Absence or Absence without Leave (AWOL)

Unauthorised absence is when the employee is absent from work and has not gained the appropriate approval nor complied with absence notification procedures. This type of absence can be costly to Pabulum as is it unpredictable. Absence of this kind will be handled as part of the disciplinary procedure.

AWOL may lead to the suspension of pay and/or dismissal.

Nelson Williams  
Managing Director  
***(This policy will be reviewed in September 2022)***

## APPENDIX 1 – EXTENDED LEAVE/HOLIDAY LETTER

DATE

### Private & Confidential

NAME

ADDRESS

Dear FIRST NAME

### EXTENDED LEAVE/HOLIDAY

I write to confirm that I have agreed to authorise your request for extended leave/holiday.

The leave period will be from (date) to (date). You are required to report back to work on (date). You will be scheduled to work so you should make arrangements before you return to find out the hours and days you are required to work, thereafter.

I have granted this additional leave, on the basis that the period (date) to (date) will be unpaid. Please also note that your failure to return on the date agreed will be deemed absence without permission. You will be classed as being suspended without pay. Your absence may lead to disciplinary action being taken against you.

In the event that you have transport problems, or illness while you are on leave, please ensure that you keep all documents which will confirm this, since you will be required to provide these if you fail to return to work.

Do not hesitate to contact me on [                      ]

Yours sincerely

**Name**

**Job Title**

**APPENDIX 2 – EXTENDED HOLIDAY REQUEST FORM**

**Holiday Request Form May to April**

**Name:**

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**Date:**

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**Holiday Dates:**

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**Date From (First Day of Leave):**

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**Date To (Last Day of Leave):**

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**Total No. of Working Days Holiday:**

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**Holiday Entitlement Remaining:**

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**Authorised By Line Manager:**

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**Date Authorised:**

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