



## **LEAVE POLICY**

V1.0 November 2025

### **INTRODUCTION**

ELCAP aspires to be:

- A first-class provider of care and support services
- An excellent employer
- A financially sound organisation, committed to sustainable development

These three drivers underpin our Leave Policy.

We provide high quality care and support to the individuals we work with by ensuring that everyone has a self-organised and stable team that knows and understands their needs and wishes.

We provide jobs which are fulfilling and have a social purpose and we encourage staff to be creative, innovative, resilient and resourceful.

We seek to generate income sufficient to our needs and manage costs well. While we are a not-for-profit organisation, we must be financially sustainable.

### **MANAGING OUR LEAVE IN ELCAP**

In order to deliver high quality of care and support, ELCAP is committed to ensuring that every individual we support has a stable staff team that knows and understands their needs and wishes. Taking account of this commitment, ELCAP takes a flexible approach to staff time off work. Provided that leave arrangements do not disrupt service delivery, we are keen to support staff to achieve a reasonable work/life balance and to ensure, where possible, that staff can meet personal commitments.

Employees are entitled by law to statutory leave. This is leave that employers must allow staff to take, provided the correct procedures are followed.

There are other types of leave, in addition to statutory leave, which are outlined in this policy.

## **OBJECTIVES OF THE POLICY**

The objectives of this policy are:

- To set out the statutory leave, required by law, which ELCAP staff are entitled to
- To set out the non-statutory leave, not required by law, which ELCAP offers staff
- To set out the requirements of staff when requesting statutory and other leave in ELCAP

## **STATUTORY LEAVE**

ELCAP must ensure that staff are able to benefit from statutory leave as follows:

- Annual leave
- Carer's/dependant leave
- Jury service leave
- Maternity, paternity and adoption leave
- Parental bereavement leave
- Sick leave
- Study leave

## **ANNUAL LEAVE**

As per our terms and conditions of employment, ELCAP offers either 33 days or 38 days annual leave (pro-rata), depending on employees' length of service.

Employees with service under five years are entitled to 33 days (pro-rata) annual leave. The leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March.

Employees with five or more years' service, on the first day of the new leave year (1<sup>st</sup> April) are entitled to 38 days (pro-rata) annual leave.

Due to the nature of ELCAP's work, we do not close for public holidays. Public holiday entitlement is included in the annual leave entitlement described above. Staff who are required to work on public holidays recognised by ELCAP will be paid double time. These public holidays are:

- 25<sup>th</sup> and 26<sup>th</sup> December
- 1<sup>st</sup> and 2<sup>nd</sup> January

In October we ask staff to advise us of the annual leave they wish to take in the following leave year. Staff who do not provide this information by our deadline will have their annual leave allocated to them. Employees who join the organisation after October will be required to submit their pro-rata annual leave to their line manager and must take these by the end of the annual leave year. It is the responsibility of the employee to ensure their annual leave is submitted and taken each year in line with the procedures in this policy.

The line manager will notify the employee in writing to confirm whether their request has been granted.

Employees should not make any firm travel or accommodation arrangements etc until they have received written confirmation that their request for leave has been granted. There may be circumstances where the Organisation cannot grant the request, such as operational/staffing requirements. The Organisation is not liable for any loss incurred by an employee, such as lost deposits etc, if they incur costs and make commitments prior to receiving confirmation.

There may be more requests than usual for leave that coincide with school holidays/half terms, due to the number of employees with children of school age. The Organisation will make every effort to accept as many of these requests as possible but has to have regard to its operations and ensuring there is sufficient cover for all work to be undertaken, considerations which sometimes need to take priority over granting all these types of requests.

We understand that unexpected events can arise that mean you have to change your plans, which can have a knock-on effect for your booked leave. Requests to cancel pre-booked annual leave should be made in writing to line managers giving as much notice as possible. Whilst we will always try to accommodate the needs of our employees, it is sometimes necessary to balance the needs of the business as a whole against those of individual employees, including the considerations of arrangements that have already been made to cover your work during that time.

Cancellation requests therefore may be authorised by Senior Management at their discretion, taking into account your individual circumstances and the needs of the business, but line management reserves the right to refuse your request if the cancellation would have an adverse effect on the business.

In line with our commitment to self-organisation, we encourage staff to organise holiday plans with their team, before informing their line manager of their proposed annual leave. As far as practicable, we will agree the holiday plans teams submit, but line managers may ask staff to adjust arrangements, in line with the needs of the business.

Staff who have not used their annual leave entitlement by the end of the holiday year (31<sup>st</sup> March) will lose any days not taken. Carry over of annual leave from one holiday year to the next will only be permitted when:

- Staff who have accrued holidays during a long-term sickness absence continue to be on sick leave at the end of the holiday year.
- Staff who have accrued holidays during adoption, maternity, paternity or adoption leave continue to be on that leave at the end of the holiday year.

Staff may be permitted to carry forward annual leave in exceptional circumstances, out with the situations described above, at the discretion of the Chief Executive.

Ordinarily, the Organisation will not permit payment in lieu of annual leave unless exceptional circumstances apply. In every case, payment in lieu of the statutory minimum entitlement will not be permitted.

All leave must be pre-authorised by the Organisation. Taking leave without authorisation will be considered a gross misconduct offence. Taking leave despite a declined request will be considered a gross misconduct offence. Gross misconduct offences may result in dismissal without notice. Further rules on booking leave from work are given below.

The Organisation may reasonably require an employee to take annual leave without prior notification for reasons which will be explained to the employee at the time.

## **HOLIDAYS AND SICKNESS**

The normal sickness notification procedures will apply to an employee when they are on leave and wish to reallocate the period of leave as sickness with the result that reconvened leave may be taken at another time in the leave year. Where the required notification is made, the Organisation may permit those days to be classed as sick days and equivalent time off taken as paid leave later in the leave year provide the leave falls within the statutory minimum entitlement. The days on which the leave is to be taken must be agreed with the Organisation.

Employees who are on an overseas holiday when they fall sick should contact the Organisation as soon as reasonably practicable.

## **CARER'S LEAVE/DEPENDANT LEAVE**

ELCAP recognises that employees may need time off that cannot be planned, due to emergencies or unexpected events which affect dependants.

A dependant could be a spouse, partner, child, grandchild, parent or someone who depends on you for care.

If an unexpected event means you need to provide care for a dependant, you should contact your line manager who will authorise unpaid carer's leave for you. Depending on the likely length of your absence and the needs of the service you work in, your line manager may be able to offer you alternatives to unpaid leave. For example, if you have a positive carried forward hours balance, you may be able to take time back.

With effect from 06 April 2024, Employees will have a new statutory right to take one week of unpaid leave per year to provide or arrange care for a dependant with a long-term care need.

Who is entitled to carer's leave?

*This will be a right afforded to all employees who meet the eligibility requirements and is a "day one" right meaning it does not require a particular length of service. To be eligible for carer's leave, an employee must:*

*have a dependant with a long-term care need; want to be absent from work to provide or arrange care for that dependant; and not have exceeded their entitlement of one week of carer's leave in the relevant 12-month period.*

*A person is a "dependant" of an employee if they (i) are a spouse, civil partner, child or parent of the employee; (ii) live in the same household as the employee, otherwise than by reason of being the employee's boarder, employee, lodger or tenant, or; (iii) reasonably rely on the employee to provide or arrange care.*

*A "long-term care need" is defined as an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months; a disability under the Equality Act 2010; or issues related to "old age". The carer's leave can be taken in half day or individual day increments up to one continuous week in a 12-month period. The leave does not need to be taken on consecutive days.*

## **JURY SERVICE LEAVE**

Employees are entitled to leave to undertake jury service. You should contact your line manager as soon as you have been given a date to attend jury service.

You should provide your line manager with evidence of your requirement to attend. This evidence must be submitted in advance of your attendance. Absence from work due to jury service must be noted on your rota.

ELCAP will deduct one day's pay for each day you attend jury service. This deduction will be made on the pay date following your attendance.

Allowances are paid to jurors to compensate for loss of earnings. You will be given a claim form by the Scottish Courts and Tribunals Service. You must send this form to our Payroll Team – [payroll@elcap.org](mailto:payroll@elcap.org) – for processing.

## **MATERNITY, PATERNITY & ADOPTION LEAVE**

ELCAP has a dedicated policy and procedure for maternity, paternity and adoption leave. Please refer to this document for further information.

## **PATERNAL BEREAVEMENT LEAVE**

Parental bereavement leave is time off to deal with the death of a child, if they die under the age of 18 or are stillborn after 24 weeks' pregnancy.

Eligible parents are entitled to two weeks' paid leave. If more than one child dies, staff are entitled to two weeks' leave for each child.

Parental bereavement leave can be taken in a two-week block, or as two separate weeks. The leave must end within 56 weeks of the child's death.

The right to parental bereavement leave applies to:

- A biological parent.
- An adoptive parent, if the child was living with them.
- A person who lived with the child and had responsibility for them, for at least four weeks before they died.
- An intended parent, who was due to become the legal parent through surrogacy.
- A partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship.

In the sad event that you require paternal bereavement leave, please contact your line manager.

## **SICKNESS LEAVE**

ELCAP has a dedicated attendance at work procedure, which includes information on sickness leave. Please refer to this document for further information.

## **STUDY LEAVE**

ELCAP is committed to supporting staff to undertake training and gain qualifications that are relevant to their job and will enhance their future careers options.

Where it does not impact on ELCAP's ability to provide an effective service to the individuals we support, ELCAP will try to accommodate study leave. Options include:

- Allowing you to study on day release, on a designated day each week. This would become your fixed day off for the period of study. You would continue to work your contracted hours, which means there would be no reduction in salary.
- Allowing you to reduce your contracted hours for a limited period while studying. Your reduced hours would revert to your original hours at the end of the study period. This option would result in a salary reduction during the time you are working reduced hours.

Day release arrangements must be agreed in consultation with your line manager. Every effort will be made to allow you to take study leave, but ELCAP has the right to postpone or refuse a request if it adversely affects the delivery of services

## **NON-STATUTORY LEAVE**

### **COMPASSIONATE LEAVE**

Compassionate leave may be given to staff who:

- Need to care for a dependant or close relative who is seriously ill.
- Require compassionate leave due to the death of a dependent or close relative.

A dependant could be a spouse, partner, child, grandchild, parent or someone who depends on you for care.

A close relative is a spouse or partner, child, stepchild, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law, this may also include niece/nephew.

A maximum of five days (*pro rata*) paid leave may be granted in a financial year. Your line manager has discretion to re-allocate some of your annual leave entitlement to allow you more time off. This discretion applies in exceptional circumstances, for example, if you need to provide care or attend a funeral outside the UK.

In the sad event that you require compassionate leave more than once in the same financial year, your line manager will seek to enable time off by re-arranging your annual leave. Alternatively, you will have the option to take unpaid leave.

## **VOLUNTEERING LEAVE**

ELCAP recognises the benefits of volunteering and is happy to receive requests for unpaid leave to undertake volunteering activity.

Requests for volunteering leave, which will be considered on a case-by-case basis, should be made to your line manager. ELCAP has the right to postpone or refuse a request if it adversely affects the delivery of services.