



# H A D D E N H A M

## Parish Council

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## Leave Policy

### This policy covers the following:

1. Annual Leave
2. Time off in lieu (TOIL) and overtime
3. Medical, dental or optician appointments
4. Blood donation
5. Time off for public duties e.g. territorial army
6. Jury service or court appearances
7. Sabbaticals
8. Compassionate leave
9. Ordinary parental leave
10. Carer's leave
11. Emergency leave
12. Purchasing annual leave
13. Unpaid leave

Where permission is sought from 'the Council' it will in most cases be the Clerk who authorises leave for other members of staff and for the Clerk it will be the Chair of the Council. If otherwise this will be specified.

### 1. Annual Leave

#### 1.1. Annual leave entitlement

Your paid leave entitlement is set out in your contract of employment. The basic leave entitlement for a full-time member of staff is 22 days per annum in addition to 2 statutory days and 8 Bank holidays. Part time employees receive a pro-rated entitlement according to their hours of work. After 5 years of continuous employment you will be entitled to 25 days holiday per annum.

#### 1.2. Working part-time

If your entitlement to Bank Holidays exceeds the number days that fall on your normal working days (typically because you don't work on Mondays) you will be able to take the excess as leave. If your entitlement to Bank Holidays is less than the number of Bank Holidays that fall on your normal working days, (typically because your normal working days include Mondays) then you can make up the difference by using your leave entitlement. With agreement from the Council, you may be able to work additional hours to make up the deficit or take unpaid leave.

#### 1.3. Leave year

The leave year runs from 1<sup>st</sup> January to 31<sup>st</sup> December. It is your responsibility to manage

your leave in such a way that you are able to take it all during the leave year. Your annual leave entitlement will be pro-rated in your first and last year of employment with the Council.

#### 1.4. Carrying over leave

It is important that staff take their statutory annual leave in order to ensure the Council complies with working time legislation. The Council has a responsibility to support staff to take their annual leave.

Where it has not been possible to take all your leave in the current leave year, and only with prior consent from the Council, you will be permitted to carry forward up to 5 days leave. This must be taken within the first two months of the new leave year.

Except in the very rare circumstances of a booked and agreed period of leave being cancelled at the council's request, it is not possible to carry over additional unused days of leave from one leave year to the next, nor will any payment be made for leave unused at the end of a leave year. Thus, leave untaken at the end of a leave year is lost.

#### 1.5. Requesting leave

You should request leave with as much notice as possible. This will allow the Council to plan workloads. Before granting leave we will consider;

- The team's workload,
- The need for office or team cover, and,
- Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time)

The Council will balance your needs against the needs of other staff before agreeing to leave. If you take leave without such permission, it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

#### 1.6. Sickness during leave

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Council, on the first day of sickness and keep the Council up to date during the period of sickness.

#### 1.7. Payment of annual leave

The Council does not offer payment in lieu of leave entitlement unless you are leaving the Council and have not taken leave entitlement that you have accrued at the time of leaving.

#### 1.8. Payment in lieu

If you leave during the course of a leave year, and cannot take any outstanding accrued leave before your last day, you will receive a payment in lieu of any outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you,

on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay including any regular overtime.

If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your salary payments for an amount at your basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

#### 1.9. Public and Extra Statutory Holidays

Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:

- Time worked less than half the normal working hours on that day — half day
- Time worked more than half the normal Working hours on that day — full day

## 2. Time off in lieu (TOIL) and overtime payments

- 2.1. TOIL is time taken off work to compensate for additional hours worked outside of normal hours. Employees working hours are specified in their contract which allows for some out of hours working.
- 2.2. Core working hours are Monday to Friday 10:00 to 16:00 when it is expected that staff should be in the office to deal with phone calls and drop-in visitors. For part-time staff the majority of their working hours should fall within this window.
- 2.3. All staff should keep a record of their hours worked on their time sheet on a daily basis and should manage their hours to avoid excessive accumulation of overtime.
- 2.4. TOIL should be taken as soon as is reasonably possible after it has been accrued. For example, if an evening meeting is attended then you should ideally adjust your working hours within that week to allow for those hours.
- 2.5. TOIL must be agreed in advance with the Council.
- 2.6. Working hours should not exceed those stipulated by the Working Time Regulations.
- 2.7. If you chose to work outside of normal working hours this cannot be used to accrue TOIL.
- 2.8. TOIL should not be accrued on a regular basis. If you are regularly working outside of your normal hours then an alternative solution should be considered.
- 2.9. Excess TOIL accrued will not be covered by an overtime payment.
- 2.10. Your scale point will determine if you are allowed overtime payments. If you are eligible for overtime it must be agreed in advance with the Personnel Committee.

### **3. Medical, Dental or optician's appointments**

- 3.1. Doctors, dental, hospital outpatient, optician or other medical appointments should be made outside of your usual working hours where possible. If appointments are made during your normal working time flexible working should allow the time to be made up.
- 3.2. With the Council's agreement urgent appointments may be taken during working hours where it is unavoidable. Non-urgent appointments e.g. a routine eye test should be taken outside of working hours.
- 3.3. Pregnant employees are entitled to time off for anti-natal appointments, the Council should be told of the time of the appointment as soon as possible.
- 3.4. Where a serious medical condition requires ongoing out patients' appointments these may be taken during working hours. These should be agreed with the Council in advance.
- 3.5. Where hospital treatment is for non-life threatening conditions for example cosmetic surgery, laser eye surgery or fertility treatment these appointments should be made outside normal working hours or time made up using flexible hours.

### **4. Blood donations**

- 4.1. Employees may take time off to donate blood at a local donation session.

### **5. Time off for public duties**

- 5.1. You are able to take time off for public duties if you are one of the following:

- A magistrate
- A local councillor
- A school governor
- A member of the police authority
- A member of any statutory tribunal (e.g. an employment tribunal)
- A member of the managing or governing body of an educational establishment
- A member of the General Teaching Councils for England and Wales
- A member of the Environment Agency
- A member of the prison independent monitoring boards
- A territorial army reservist
- A special constable

5,2 If you fall into one of the above categories you are entitled to take a reasonable amount of time off to go to meetings or to carry out your duties. It is not always easy to define reasonable and what is reasonable will depend on

- What your duties are
- The time you need to carry them out
- The impact on the delivery of your work and your colleagues
- How much time you have already had for public duties or trade union activities.

- 5.2. You should agree the time you are able to take off with the Council, if the time is significant or ongoing this will need to be decided by the Personnel Committee.
- 5.3. If your time off is to fulfil public duties the time will be paid up to a maximum of 10 days (pro-rata for part time work). If more than 10 days is needed the additional time will be unpaid.
- 5.4. Where allowance is paid for loss of earnings you should claim the allowance and you will be paid your usual salary minus the allowance.

## **6. Jury Service and Court Appearances**

- 6.1. If you are required to appear in court as a juror, you should advise your manager of this. You will usually be granted a leave of absence, however they may ask that you request an exemption if your absence is likely to have a highly detrimental impact on the delivery of your work.
- 6.2. You should claim the allowance for loss of earnings and you will be paid your usual salary minus the allowance.
- 6.3. If you are called to court as a witness to an offence you must provide proof of this to the Council to claim time off. As with jury service you must claim for loss of earnings. If you are called to court as a defendant or for any other matter you may not be paid for your time away from work, depending on the circumstances, this will be at the discretion of the Personnel Committee.

## **7. Sabbaticals**

- 7.1. Sabbatical leave is a period of unpaid leave during which other than pay and employer pension contributions other contractual entitlements and benefits continue.
- 7.2. You may request a sabbatical after two years' continuous service with the Council at the point the leave would commence. The Council will try to accommodate a request but cannot guarantee it will be possible if the timing is such that your absence would have a significant impact on day to day operations.
- 7.3. If you have already had a sabbatical you will need to have completed three years' continuous service since returning, prior to the point the leave would commence.
- 7.4. Requests to take a sabbatical must be made a minimum period of three months prior to the date you wish the sabbatical to start.
- 7.5. You must have a clean disciplinary record and have achieved at least satisfactory performance reviews.

- 7.6. An application for a minimum of four to a maximum of twelve weeks leave can be requested.
- 7.7. Whilst on a sabbatical your employment status and contract of employment will remain in place and your years of continuous service will continue to accrue.
- 7.8. You will not accrue annual leave during your time off work.
- 7.9. You will be able to return to the same job in which you are employed under your current contract under terms and conditions no less favorable than those which would have applied if you had not been absent.
- 7.10. In some circumstances it may not be possible for your current job to be held open but you may return to an equivalent role. This would normally only be the case if agreed between you and the council prior to the start of your sabbatical.
- 7.11. When on sabbatical you are not permitted to take on any paid employment.
- 7.12. You may request a sabbatical to follow on from a period of annual leave.
- 7.13. At the end of your sabbatical you will normally return to your role. If during your sabbatical your role is affected by reorganisation or restructuring, you will be consulted appropriately.
- 7.14. A request to extend your sabbatical up to the maximum twelve weeks will be considered but it may not be possible to accommodate your request.
- 7.15. If you are unable to return to work at the end of your sabbatical due to illness or injury you must follow the normal procedures for reporting sickness absence.
- 7.16. If you wish to terminate your contract during your sabbatical you must give the required notice in accordance with your contract.

## **8. Compassionate Leave**

- 8.1. Compassionate leave is discretionary paid leave that may be granted by the Council. Up to ten days' compassionate leave may be given in any leave year (pro-rata for part-time staff).
- 8.2. Compassionate leave requests will be considered sympathetically in the case of death or serious illness of a partner or close relative.
- 8.3. The granting of compassionate leave will depend on the employee's relationship with the person who is deceased or ill and the amount of time needed to make funeral arrangements or care for an ill relative, and the time spent travelling to attend a funeral or hospital. A relative is the partner, child or parent of the employee. It can be extended to

include someone who lives in the same household as the employee such as an elderly relative. It does not include tenants or borders or a live-in house keeper. It may be that time off is split between compassionate leave, annual leave and unpaid leave.

- 8.4. If you face the death or serious illness of a close relative, you should inform the Council as soon as practicable and give an indication of how long you expect your absence from work to last. You should inform the Council of your intended return to work but would not be expected to give regular updates during your absence. The main priority will be to inform the Council of the date you will return to work and on your return how your absence is recorded can be agreed.

### **9. Ordinary parental leave (OPL)**

- 9.1. Ordinary parental leave (OPL) may be granted in line with the Maternity and Parental Leave etc (Amendment) Regulations 2014, which provide all working parents with children under eighteen with a right to take unpaid parental leave of up to 18 weeks per child up to the child's eighteenth birthday. The entitlement to parental leave applies if you have parental responsibility for a child. This included the father, mother, a guardian or adoptive parents. You need to have at least one year of continuous service with the Council by the time you take the leave.
- 9.2. You should give 21 days' notice of taking parental leave and you should write to the Council
- Confirming that you qualify for parental leave
  - Stating when you would like the leave to start and end
  - Confirming whether you have already taken parental leave in respect of the child with a previous employer
  - Enclosing an original copy of the child's birth certificate / adoption documents.
- 9.3. The Council could ask you to postpone the leave if the operation of the services would be unduly disrupted. If this is the case, they will give you written notification of the reasons why the leave will have to be postponed. Leave cannot be denied indefinitely and it will be agreed that you will be able to take the leave within six months of your request.
- 9.4. Parental leave must be taken in blocks of one week except if you are the parent of a disabled child in which case you can take leave in multiples of one working day. In all cases a maximum of four weeks' parental leave in a year can be taken per child. Prior to taking parental leave you must ensure that it is booked. A week's leave can begin on any working day.
- 9.5. If you are in the pension scheme and take parental leave you will still need to pay your pension contributions. You are guaranteed the right to return to the same job after your parental leave.

## **10. Carer's Leave**

10.1. If you care for someone you are entitled to take a reasonable amount of time off work to deal with unexpected or sudden emergencies relating to them and to make any necessary longer term arrangements. This time off is unpaid so you may wish to consider using annual leave as an alternative.

10.2. An emergency could include:

- An unexpected disruption or ending of care arrangements such as a child-minder's illness
- The person you care for falls ill or has an accident, this could be emotional or physical pain
- Your child has an accident in school hours
- You need time to make longer term care arrangements if your child has a long term illness
- You need time off following the death of a dependent and compassionate leave does not apply.

10.3. A dependent is the partner, child or parent of the employee. It also includes someone who lives in the same household as the employee such as an elderly relative. It does not include tenants or borders of a live-in house keeper.

10.4. You do not need to have a particular length of employment with the Council to take carer's leave.

10.5. The time off is limited to the amount of time that is reasonable in the circumstances. When a dependent needs care because of an illness or injury, you may take time off to cover the immediate emergency and to make arrangements. This should not normally need to be more than a day or two. Carer's leave should not be used to take time off work for the duration of the illness or injury.

10.6. If you need to take carer's leave the Council should be notified as soon as practicable of the reason for your absence and how long you estimate you will be off work for. You will need to confirm with the Council whether you will be taking unpaid or annual leave for the time off.

## **11. Emergency Leave**

This is paid leave that can be granted in exceptional circumstances by the Council in the case of an extreme household emergency such as a major flood or house fire. Up to ten days' leave may be given in any leave year.

## **12. Purchasing additional leave**

The council does not allow employees to purchase additional leave.



### **13. Unpaid leave**

You may agree a period of unpaid leave with the Council that doesn't fall into any of the above categories. This would normally only be granted if you have used up all of your annual leave. As with other leave it will be at the Council's discretion and should not cause operational issues.

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