

Draft Leave Policy 2020

1. Annual Leave

- 1.1 The Council takes a positive view on work/life balance issues and will monitor workloads to ensure that employees are able to take their annual leave to ensure their health, safety, and wellbeing in accordance with the Working Time Directive.
- 1.2 Annual leave must only be taken with the Parish Clerk's approval. Employees must give as much notice as possible when requesting annual leave. Where possible such notice should be in writing at least one week prior to the requested annual leave.
- 1.3 It may be difficult to facilitate demand for time off at certain times of the year. In these circumstances, employees are encouraged to collaborate with each other to resolve any conflicts.
- 1.4 The annual leave year runs from 1 April to 31 March.
- 1.5 The minimum paid annual leave entitlement is 20 days, rising to 25 days after five years' continuous local government service. Employees are also entitled to two extra statutory holidays per year; the timing of these will be decided by the Parish Clerk. Those employed part-time will be entitled to leave on a pro-rata basis.
- 1.6 Employees who join and/or leave the Council during the annual leave year will receive a holiday entitlement proportionate to their completed service during the leave year.
- 1.7 In the event a member of staff falls sick during the period of her/his annual leave, she/he will be regarded as being on sick leave from the date of her/his medical certificate and further annual leave will be suspended from that date.
- 1.8 In the event of the employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment, conversely any holiday leave accrued but not taken during the period of employment will be paid with the final payment.

2. Bank/Public Holidays

- 2.1 All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the year, although the dates of these will vary from year to year. This is calculated with reference to the annual entitlement of a full-time employee.

3. Carry Over of Annual Leave

- 3.1 All annual leave should be taken in the leave year during which it is accrued. In exceptional circumstances, a maximum of five days' leave can be carried over into the next leave year by mutual agreement with the Staffing Committee.

4. Time off in Lieu (TOIL)

- 4.1 Time off in lieu (TOIL) is time taken off work to recompense for additional hours worked outside of normal working hours. All employees may accrue TOIL if authorised in advance by the Parish Clerk. TOIL should be taken as soon as is reasonably possible and must only be taken after it has been accrued and must be booked in advance with the Parish Clerk. TOIL cannot be carried over to the following holiday year.

5. Compassionate Leave with Pay

- 5.1 Up to 3 days' compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes:
- Husband, wife, or partner;
 - Mother or father;
 - Child, including any adopted child; and
 - Sister or brother
- 5.2 A further day may be granted for attending the funeral.
- 5.3 All applications for Compassionate Leave must be made to the Parish Clerk and Chairman of the Staffing Committee for determination.
- 5.4 In exceptional circumstances, the Parish Clerk in conjunction with the Chairman of the Council and the Staffing Committee will consider granting a maximum of a further seven days' compassionate leave in any one year.

6. Jury Service

- 6.1 Paid leave of absence will be granted for employees undertaking jury service. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.

7. Training/Study Leave

- 7.1 Employees are entitled to paid or unpaid leave of absence. All requests to be referred to the Staffing Committee.

8. Medical and Dental Appointments

- 8.1 Wherever possible, employees should try and arrange medical and dental appointments outside normal working hours, or where this is not possible, at the beginning or end of a working day or at a time which causes least inconvenience to the Council. Employees should always try to obtain the prior approval of the Parish Clerk to such an appointment, except in an emergency.

9. Additional Leave

- 9.1 Additional leave without pay may be granted at the discretion of the Parish Clerk, Chairman of the Council and the Staffing Committee.

10. Parental Leave

10.1 Introduction

10.1.1 The Parental Leave regulations came into force as part of the Employment Relations Act 1999. They apply to all parents and those people with parental responsibilities and allow for them to take up to 18 weeks' unpaid leave for each child.

10.1.2 This leave must be taken between the child's birth and their fifth birthday. If the child has disabilities and is in receipt of a Disability Living Allowance, it must be taken before the child's eighteenth birthday.

10.1.3 This scheme also applies to adoptive parents, who may take parental leave up to the fifth anniversary of the date of placement or the child's eighteenth birthday, whichever is sooner.

10.2 Eligibility

10.2.1 The right to take up to 18 weeks' unpaid leave (or 18 weeks in respect of a child with disabilities) is subject to the following conditions:

- The rights are acquired after one year's continuous local government service and apply to both mothers and fathers.
- Both parents are entitled to take 18 weeks' parental leave for each child.
- The leave can only be taken in blocks of one week or more, up to a maximum of four weeks in one year, except where the child is disabled, in which case it may be taken one day at a time.
- The employee is obliged to give his or her manager at least 21 days' notice in writing to take leave.
- The manager may postpone the leave for a maximum of 6 months if there are sound business reasons for doing so. The manager should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.
- Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.
- All terms and conditions of service, with the exception of pay, remain in force during the period of leave.
- Employees have the right to return to their job in the same way as provided to those returning from maternity leave.
- Time taken as parental leave counts as continuous service.
- If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

11. Time Off for Dependants

11.1 Under the Employment Rights Act 1996, all employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work without notice in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

- a. A spouse
- b. A civil partner
- c. A child
- d. A parent

- e. A person who lives with the employee other than as his or her employee, tenant, lodger, or boarder
- f. Any other person who would reasonably rely on the employee for assistance if he or she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- g. In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.

11.2 Under this provision, an employee is entitled to take time off work:

- Where a dependant falls ill, gives birth, or is injured or assaulted
- To provide assistance following the death of a dependant
- Where there has been an unexpected disruption to, or termination of, the arrangements for the care of a dependant; and
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.

11.3 Although there is no requirement to give notice the employee must, as soon as possible, tell their line manager the reason for their absence and how long they expect to be away from work.

12. Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service

12.1 Under the LGPS 2014 rules, if employees who are LGPS members are granted unpaid leave of absence they will have the option to buy back the 'lost' pension by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. The Parish Council will contribute towards the cost, with the split being 1/3rd employee, 2/3rds employer. If the employee wishes to buy back the 'lost' pension they must write to the Parish Clerk within 30 days of their return to work indicating their decision. Details of the cost of buying back the 'lost' pension can be obtained from the Pension Scheme; please ask the Parish Clerk for details.

12.2 If employees who are LGPS members are absent from work due to industrial action they will also have the option to buy back the 'lost' pension by making an Additional Pension Contribution. In order to do so they must write to the Parish Clerk as above; however, there is no time limit and the entire cost will be met by the employee.