

# LEAVE ARRANGEMENTS FOR EMPLOYEES

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# TENDRING DISTRICT COUNCIL

## LEAVE ARRANGEMENTS FOR EMPLOYEES

### Contents

1.	Introduction .....	3
2.	Annual Leave Entitlements.....	3
3.	Annual Leave Calculations .....	4
4.	New Employees.....	4
5.	Short Term Contracts .....	4
6.	Employees who Leave .....	5
7.	Payment in Lieu of Untaken Leave .....	5
8.	Carrying Over of Annual Leave .....	5
9.	Recording Leave .....	5
10.	Bank Holiday Entitlements for Part Time Employees.....	6
11.	Compassionate Leave.....	6
12.	Statutory Parental Bereavement Leave & Pay.....	7
13.	Carers Leave .....	7
14.	Unpaid Leave .....	8
15.	Medical and Dental Appointments.....	8
16.	Jury Service /Court Attendance.....	8
17.	Public Duties.....	8
18.	Flexi-Leave .....	8
19.	Study Leave for Employees Under Sponsorship .....	9
20.	Time to Train .....	9
21.	Other Types of Leave.....	9
22.	Unauthorised Absence .....	9
23.	Further Guidance .....	9

## **LEAVE ARRANGEMENTS FOR EMPLOYEES**

### **1. Introduction**

Tendring District Council is committed to developing and maintaining working arrangements which enable employees to achieve a better work-life balance. Annual leave and other types of leave are an important element in achieving a positive approach to work.

There are several types of leave entitlement, and it is essential that an employee gains authorisation for the type of leave that suits their need for absence from the workplace. All requests for leave will be dealt with fairly and consistently, in accordance with the Council's Equality and Diversity Policy (*Employment*).

### **2. Annual Leave Entitlements**

The purpose of annual leave is to provide employees with time away from the workplace to rest. The Council's leave year currently runs from 1 April to 31 March; however, the Council reserves the right to review this arrangement. All leave must be properly requested on either the Self-Service system or an annual leave card, and authorisation must be obtained from the appropriate manager. The Council reserves the right to refuse applications for leave if requested at an inappropriate time.

The Council's Staff Handbook confirms that the standard paid holiday entitlement for all staff is a minimum of 23 days. This allocation of leave increases depending on the employees Spinal Column Point on the Council's Salary Scale. There is also an increase when an employee has completed more than 5 years' service at the start of a leave year.

<b>SCP</b>	<b>Basic Entitlement</b>	<b>Including B/H*</b>	<b>After 5 Years</b>	<b>Including B/H*</b>
<b>2 - 22</b>	<b>170.2 hours</b> (23 days)	<b>229.4 hours</b>	<b>199.8 hours</b> (27 days)	<b>259 hours</b>
<b>23 - 34</b>	<b>192.4 hours</b> (26 days)	<b>251.6 hours</b>	<b>207.2 hours</b> (28 days)	<b>266.4 hours</b>
<b>35 - 43</b>	<b>214.6 hours</b> (29 days)	<b>273.8 hours</b>	<b>229.4 hours</b> (31 days)	<b>288.6 hours</b>
<b>44 +</b>	<b>229.4 hours</b> (31 days)	<b>288.6 hours</b>	<b>244.2 hours</b> (33 days)	<b>303.4 hours</b>

\*This is based on a standard 8 bank holidays; this amount could differ depending on the number within the year.

As full-time hours are 37 per week, a standard day is classed as 7 hours 24 mins (or 7.4 in decimal time). As i.e. 23 days of 7.4 standard day is 170.2 Hours (23x7.4).

Please note that 0.1 is the equivalent of 6 minutes. Therefore, for example, if the leave states 22.2 hours, the employee would have 22 hours and 12 minutes. This is due to the conversion from days to hours and will be recorded as such in the Payroll and HR system.

The Council's offices are closed between the Christmas and New Year period. For those Services where employees have to work over the Christmas period e.g., Careline, Theatre & Leisure Services, employees will gain Time Off in Lieu, which may be taken at a later date in agreement with their manager, this will need to be taken before the end of the financial year. The Council reserves the right to review this practice from time to time and vary this arrangement after consultation.

The Council records annual leave in hours rather than in days, as this is a fairer and more equitable way is to support the administration and calculation of annual leave.

In addition, there is an entitlement to statutory Bank Holidays per year, which include:

- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day
- New Years Day

If a Public Holiday falls on a Saturday or Sunday, the following Monday or Tuesday is usually designated as a general public holiday. Employees are entitled to a normal day's pay for each public holiday as it occurs, irrespective of length of service.

Employees are entitled to take their annual leave in full days, half days, or part days. All leave should be requested through the Payroll and HR system.

### **3. Annual Leave Calculations**

All employee's annual leave entitlement is calculated in hours and is based on the full-time amount for their grade (SCP) and their length of service. For staff who work part-time, their annual leave is pro rata'd based on the hours they work.

Annual is calculated as follows: -

Leave Entitlement + Bank Holidays / 5 (*days in working week*) x Contracted Hours

Example 1: 23 days + 8 days = 31 days / 5 = 6.2 (*weeks*) x 37 = 229.4 hours

Example 2: 23 days + 8 days = 31 days / 5 = 6.2 (*weeks*) x 20 = 124 hours

Example 3: 31 days + 8 days = 39 days / 5 = 7.8 (*weeks*) x 15 = 117 hours

All employees should check that the work pattern held in the Employment section of the Payroll / HR system – Employee Self Service (click on current position) correctly reflects their days and hours worked each week. Any discrepancies should be reported to their Line Manager as this will affect their annual leave entitlement.

For individuals who work irregular hours (*including Casual workers*), rolled-up holiday pay will be paid. Rolled-up holiday pay is calculated at 12.07% of all pay for work done. The extra 12.07% will be paid at the same time as pay for the work done, and the holiday pay will be itemised separately on the payslip.

### **4. New Employees**

Employees who start part of the way through a leave year are entitled to a proportion of annual leave depending on when they commenced in post. Their annual leave entitlement will be calculated from the day they started with the Council.

### **5. Short Term Contracts**

Employees with a Fixed-Term Contract should calculate their leave entitlement in the same way as permanent employees. It should be proportioned accordingly if the fixed-

term contract is due to expire at any time other than the end of a leave year (*i.e.*, 31<sup>st</sup> March).

## **6. Employees who Leave**

The Council will calculate an employee's annual leave entitlement up to the date of their employment termination.

As outlined in Section 7 below, there may be certain circumstances where an employee is unable to use their annual leave entitlement before their employment ends. In these circumstances, any outstanding entitlement should be included on the Termination Form submitted by their manager. This will allow Payroll and Payments to ensure the employee is paid for any untaken leave. However, in all cases, every effort should be made to take annual leave.

Where an employee has taken more leave than they would have accumulated at the date their employment ends, this should also be recorded on the Termination Form by their manager so that Payroll and Payments can claim any overpayment back in their final pay.

## **7. Payment in Lieu of Untaken Leave**

There are certain circumstances in which it is not possible for employees to take their outstanding leave entitlement before the date of leaving. In these circumstances, the Council will award payment in lieu of leave untaken.

The particular circumstances are:

- (a) Long term sickness absence and maternity leave from the date absence started (*including annual leave not taken in the previous annual leave year up to a maximum of 5 days*) and up to the date of leaving.
- (b) Any situation where the member of staff is required to work up to the date of leaving due to the demands of the service.
- (c) In redundancy situations.
- (d) Short term temporary contracts where it would be impractical for the employee to be absent from the workplace.

It should not extend to situations where the employee has deliberately chosen not to take the balance of annual leave to which they are entitled.

## **8. Carrying Over of Annual Leave**

Employees may carry over 3 days of untaken Annual Leave from one leave year to the next (*pro-rata for part-time staff*). In exceptional circumstances, and with the agreement of their Head of Department/Assistant Director, employees may carry over 5 days of untaken Annual Leave (*pro-rata for part-time staff*).

## **9. Recording Leave**

Managers are responsible for maintaining all leave records of their employees. Staff are reminded to make sure that they have the appropriate approval before making bookings for holidays/making arrangements for time off. The Council reserves the right to refuse annual leave if there are too many other members of staff off at the same time, or if it is requested at an inappropriate time from a workload point of view.

## **10. Bank Holiday Entitlements for Part Time Employees**

There is an entitlement to Statutory Bank Holidays each year. Part-time employees, regardless of whether they would normally workdays on which public holidays fall, receive an entitlement on a pro rata basis.

The actual entitlement for each of these days will be based on the ratio of the hours worked by the individual part timer, to those contracted to be worked by their full-time equivalents. Therefore, for those part-time employees who regularly work each day of the working week, with the same number of hours worked each day, public holidays will be taken as they fall.

Part-time employees annual leave includes their entitlement to Bank Holidays, which will automatically be deducted from their annual leave entitlement. If a part-time employee agrees with their manager to work on a different day instead of their usual day, which falls on a bank holiday, their manager should ensure that their annual leave entitlement is amended to reflect this.

## **11. Compassionate Leave**

From time to time, because of bereavement, illness, and other domestic problems, staff may need time off other than for the purpose of annual leave. It is the responsibility of the individual employee to discuss the matter with their Head of Department/Manager and in certain circumstances, compassionate leave of up to 3 days may be granted. Extensions beyond this amount will require consultation with Human Resources.

The agreed criteria within each Department for the approval of requests for compassionate leave are as follows:

- a) Immediate approval by the manager can be given for compassionate leave of up to 3 days duration to an employee following the death of an employee's close family member or dependant (*or someone with whom the employee has a similar close relationship*).
- b) Compassionate leave for more than 3 days may also be awarded at the discretion of the Assistant Director/Head of Department (*in consultation with Human Resources*).
- c) Parents who suffer the loss of a child under the age of 18 or a stillbirth from the 24th week of pregnancy are entitled to two weeks' Statutory Parental Bereavement Leave (SPBL), and Statutory Parental Bereavement Pay (SPBP) will be available to employees with 26 weeks of continuous employment with the Council. Please refer to Section 12 of this policy for further details.
- d) Sudden and very serious illness amongst immediate members of an employee's family, as determined in (a) and (b) above, may also warrant compassionate leave. The approval procedure applies as above.
- e) Any long-term "life partner" of an employee should be given equal consideration. Again, approval applies as in (a) and (b) above.

Special Leave can be granted by the Assistant Director/Head of Department in consultation with Human Resources. An employee may request paid, unpaid, or a combination of both for exceptional circumstances.

Human Resources should always be informed of Compassionate Leave or Special Leave and will maintain a record on the employee's personal file and the Payroll and HR System.

## **12. Statutory Parental Bereavement Leave & Pay**

- a) Statutory Parental Bereavement Leave (SPBL) is available to all employees who are 'bereaved parents' (*which means they were the primary carer for a child who has died under the age of 18*).
- b) Leave will be available for all employees from Day 1 (*there is no minimum service needed*).
- c) Statutory Parental Bereavement Pay (SPBP) will be available to employees with 26 weeks of continuous employment with the Council (*at the week before the week in which the child dies; as long as they are still employed by the Council on the day on which their child dies*) and where their normal weekly earnings in the 8 weeks up to the week before the child's death are not less than the lower earnings limit for National Insurance contributions purposes.
- d) This entitlement will also be available to adults with parental responsibilities for children, who are not their birth parents, i.e., adoptive parents, those who are fostering to adopt, legal guardians, and most foster parents (*except those in short-term fostering arrangements*).
- e) It also applies to parents who have suffered a stillbirth 24 weeks or more into pregnancy.
- f) Where more than one child dies, the parent will have a statutory entitlement to leave and pay in respect of each child.
- g) The leave must be taken in units of 1 week (*it cannot be taken as individual days*) – so it can be taken as a single block of 2 weeks, or 2 separate blocks of 1 week at different times.
- h) The leave can be taken at any time up to 56 weeks from the date of the death of the child. (*This timescale is deliberate as, for example, it would allow an employee to take leave at the first anniversary of the child's death, and the bereavement leave can be added onto the end of a 52-week maternity leave*).
- i) After the child's death, employees can take bereavement leave immediately. If this leave is not taken straight away (*or all of it is not taken straight away*), then employees will be required to give 1 week's notice to the Council that they will be taking this leave.

## **13. Carers Leave**

- a) Employees are entitled to apply for Carer's leave from the first day of their employment.
- b) It is intended to allow the individual to provide or arrange care for a dependent with a long-term care need. The definition of 'dependent' mirrors the definition used for the right to time off for dependents. This includes a spouse, civil partner, child, parent, a person who lives in the same household as the employee.

- c) Employees with less than one year's service are entitled to five days of unpaid carers leave in a 12-month rolling period. Employees must take a minimum of half a working day at a time. There is no requirement for the employee to take five consecutive days.
- d) Employees with at least one year's service will be entitled to five days of *paid* carers leave in a 12-month rolling period, rather than this being unpaid. Employees must take a minimum of half a working day at a time. There is no requirement for the employee to take five consecutive days.
- e) Employees are required to provide reasonable notice, although this does not need to be in writing. This should either be twice the length of the time being requested or three days, whichever is the longest. However, short-notice requests will be considered in exceptional circumstances.

Human Resources should always be informed of Carers Leave and will maintain a record on the employee's personal file and the Payroll and HR System.

#### **14. Unpaid Leave**

In some circumstances, it may be appropriate for an employee to be granted unpaid leave. A formal request should be made to the manager in consultation with Human Resources. Once approved, this should be recorded, and Payroll and Payments should be notified. This would apply to a request outside the criteria for 'Time off for Dependants'. Requests for sabbaticals will be considered on a case-by-case basis.

#### **15. Medical and Dental Appointments**

The Council will view time off sympathetically for such appointments where it is not possible for them to be arranged outside working hours. If the employee has control over the timing of such appointments, however, they are asked to arrange them in such a way as to cause minimum disruption to their normal working day, e.g., at the beginning or end of a working day. The Council reserves the right to ask staff to make this time up. The employee should, where applicable, utilise the Flexible Working Hours Scheme for such appointments and arrange appointments outside of core time.

#### **16. Jury Service /Court Attendance**

If an employee is called for jury service or is required to attend court, please ensure they claim from the Court for loss of earnings, as this amount will be deducted from their salary. Employees will receive their normal salary during jury service or attendance at court. The employee must advise their manager as soon as they are called for jury service or to attend court. For further guidance, please refer to the Court Attendance Bulletin on the Council's Intranet or available from Human Resources.

#### **17. Public Duties**

Staff who are involved with the local community will be provided with reasonable time off for public duties, subject to the prior written agreement of their Assistant Director/Head of Department, e.g., Justice of the Peace or School Governor. Such time off should be recorded on the employee's personal file and the Payroll and HR System.

Employees should refer to the Employee Volunteering and Public Duties Policy, which can be found on the Council's intranet.

#### **18. Flexi-Leave**



Where the Flexible Working Hours Scheme is operating within a department, flexi-leave should be requested in the same manner as annual leave. Flexi-leave should be authorised by the appropriate Manager.

Entitlement to flexi leave is explained in more detail in the 'Flexible Working Hours Scheme'. A copy can be obtained from the Council's Intranet.

#### **19. Study Leave for Employees Under Sponsorship**

Employees who have entered into an agreement with the Council for sponsored qualification training will be entitled to pre-examination study leave. The current entitlement is a maximum of one day per examination and a maximum of three days per academic year (*subject to change*). Additional time off to attend residential's, field work, or examinations should be negotiated with the employee's Manager/Head of Department.

#### **20. Time to Train**

From the 6 April 2011, the right for time out of the workplace to train was extended to include all employees, not just young people. Employees have a statutory right to make an application to undertake study or training which, will improve their effectiveness in their job, and the performance of the Council. This does not need to result in a formal qualification and can include shadowing a work colleague. There is no right to be paid for any time needed outside of the workplace, and any request should be made in writing to the employee's Assistant Director/Head of Department for consideration in consultation with Human Resources.

#### **21. Other Types of Leave**

It is essential that an employee gains authorisation to take leave from the workplace for the right reason. There are several types of authorised leave available, and further advice on the following can be found on the Council's Intranet.

- Maternity leave (*Maternity Policy*)
- Paternity leave (*Maternity Policy*)
- Adoption leave (*Maternity Policy*)
- Parental leave (*Guidance on Parental Leave and Time off for Dependants*)
- Time off for dependants (*Guidance on Parental Leave and Time off for Dependants*)
- Flexible working hours scheme.

#### **22. Unauthorised Absence**

In all cases where absence is needed from the workplace, an employee must seek approval from their line manager or Head of Department. The only exception is when an employee is absent due to ill health, and the sickness reporting procedure outlined in the Council's Sickness Absence Policy should be followed.

Where an employee has not gained authority to be absent, and fails to attend the workplace, it will be classed as 'unauthorised absence'. An employee who is unauthorised to be absent from work may not be paid for the period of absence and could be subject to disciplinary action.

#### **23. Further Guidance**

In most cases, the Policies and Procedures referred to are available via the Council's Intranet. However, if the employee does not have access to the Council's Intranet or

would like further advice or guidance, they should not hesitate to contact a member of Human Resources.