



# Leave Policy

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## Table of Contents

Leave Policy .....	1
Document Control.....	1
Table of Contents .....	2
1. Introduction.....	3
2. Authorised Leave.....	3
2.1. Annual Leave.....	3
2.2. Purchase of additional Annual Leave .....	3
2.3. Flexi Leave .....	4
2.4. Medical Appointments .....	4
2.5. Adverse Weather .....	4
2.6. Time Off for Jury Service or Attending Court .....	5
2.7. Election Duties.....	5
2.8. Sabbatical.....	5
2.8.1. Eligibility criteria .....	5
2.8.2. Continuity of service .....	6
2.8.3. Incremental progression .....	6
2.8.4. Leave during a sabbatical .....	6
2.8.5. Procedure .....	7
2.8.6. Pension.....	7
2.9. Sickness Absence .....	7
2.10. Trade Union activities .....	7
2.11. Training.....	8
3. Time off for parents and carers .....	8
3.1. Parental leave.....	8
3.1.1. Procedure .....	9
3.2. Dependant leave.....	9
3.2.1. Circumstances covered .....	9
3.3. Special Dependant Leave.....	9
3.3.1. Employee's responsibility .....	10
3.3.2. Managers' responsibilities .....	10
3.3.3. Break in service to care for a dependant .....	10
3.4. Foster Training leave .....	10
3.5. Compassionate leave .....	10
3.6. Parental Bereavement Leave .....	11
3.7. Maternity, Neo Natal, Paternity, Adoption and Shared Parental Leave .....	13
3.8. Flexible Working .....	13
3.9. Flexible retirement policy .....	13
3.10. Unpaid leave.....	13
4. Unauthorised absence.....	14
5. Related policies .....	14

## **1. Introduction**

This policy sets out the Council's provision for dealing with a variety of leave and absence situations and to support a positive work life balance for staff.

## **2. Authorised Leave**

### **2.1. Annual Leave**

Annual Leave entitlement is contractual and based on continuous local government service

Less than 5 years' service:

Up to and including Grade 10 - 24 days

Director Level and above – 30 days

5 years' service and above:

Up to and including Grade 10 - 29 days

Director Level and above – 33 days

Leave will be calculated on a pro rata basis and allocated in hours for part-time staff. Staff starting or leaving midway through a year will be entitled to pro rated leave; this can be calculated using the Annual Leave calculator on insite.

In addition:

- All statutory holidays are given; these should be pro-rated for part time staff (this can also be done on the calculator on insite).
- A concessionary day may be awarded at Christmas, this is not contractual and is not included on the insite calculator

Leave should be booked a minimum of 7 days in advance and is subject to operational needs and the approval of your line manager.

Leave should not normally be carried over, however with the line manager's permission, up to 5 days leave can be carried over into the next leave years; however, this must be used within the first month of the new leave year.

Any employees who fall sick during a period of annual or unpaid leave should inform their line manager. On production of a doctor's certificate the employee will be entitled to receive sickness pay for the period covered and claim back annual leave or have the unpaid leave recovered.

### **2.2. Purchase of additional Annual Leave**

The Council has a policy to support the purchase of additional leave; employees who meet the criteria may purchase up to 20 days additional leave per year (pro-rata for part time staff)

Further details can be found in the Purchase of Annual Leave policy

### **2.3. Flexi Leave**

Working hours should be recorded on the timesheet template, out of hours working should be agreed in advance with your line manager. Employees who are contracted into the flexi time working scheme may accrue flexi leave; full time staff may carry up to 37 hours credit and may go into 15 hours debit in any 4 week period (pro rata applies for part time staff up to their normal weekly hours). Staff may take up to 2 days flexi leave per accounting period, subject to having the required credit hours and approval from their line manager.

All working patterns should comply with the Working time regulations 1998 and in line with Council Anywhere Guidance. Employees working for 6 hours must take a 30 minute break and this is unpaid.

Annual and Flexi leave should be booked and authorised at least 7 days in advance with your line manager and recorded on the annual leave card.

Full day training courses should be recorded as 7.24 hours unless prior agreement with your line manager.

### **2.4. Medical Appointments**

Staff should make every effort to attend hospital, doctors or dentist appointments outside of working hours, however if this is required during the working day, flexi, TOIL (time off in lieu) or annual leave should be deducted in agreement with your line manager. Time off for fertility appointments prior to becoming pregnant would also be unpaid.

Pregnant employees are entitled to reasonable time off with pay for antenatal appointments made on the advice of a registered medical practitioner. Please refer to Maternity Policy for guidance.

Employees who are adopting are also entitled to reasonable time off for appointments; please refer to the Adoption Policy for guidance.

Employees with a disability may be entitled to paid time off and should speak to HR or their line manager in regard to their individual circumstances.

### **2.5. Adverse Weather**

The Council has a duty to maintain service provision during periods of adverse weather; employees should make a reasonable effort to get to work without compromising their safety. If this is not possible the employee should contact their line manager at the beginning of each working day. An agreement should be made to discuss

- Whether they are able to work from an alternative location or from home (subject to IT access)  
Or how the absence will be recorded
- This could be unpaid leave, paid leave, flexi leave or an agreement to work additional hours at an alternative time

## **2.6. Time Off for Jury Service or Attending Court**

Time off will be given to an employee who receives a summons to serve on a jury provided that this is reported to their Head of Service.

The Head of Service must notify HR and payroll that the employee is to attend Jury service and confirm the dates attended.

The Jury Service will usually provide the employee with a Statement of Earnings Form, to show their normal net earnings. After they have finished their service, the court pays them a cheque to cover personal expenditure and an amount per day for loss of time at work. The employee will then pay the Council the amount relating to the time lost. The Council will not, in the first instance, deduct monies as to do so would be an inconvenience to the employee who would then have to wait for reimbursement from the Court Service. However, if no payment from the employee is forthcoming within a month of their jury service ending then the relevant deduction shall be made from their pay as they will have already been compensated by the Court Service.

Where an employee is required to attend court as a witness, time off with pay shall be granted provided that the request is submitted in writing with reasonable notice given.

## **2.7. Election Duties**

Staff do not need to take leave to carry out election work and will be allowed paid leave of absence from normal duties. Employees must have their line managers approval. Managers are asked to release staff wherever possible

## **2.8. Sabbatical**

The Council recognises the need for employees to balance their career and personal life and may need to take an extended break from work during the course of employment.

A sabbatical is an unpaid release from duties of between 4 weeks and up to 1 year without breaking the employment contract. The Council will only in exceptional circumstances agree to a sabbatical of longer than 1 year. HR advice should be sought before any agreement is made.

### **2.8.1. Eligibility criteria**

The employee must have a minimum of one year's service with South Cambridgeshire District Council (excluding continuous service)

The employee will be required to keep in touch at regular intervals during the break and the Council will retain the right to contact the employee and consult with them as if they were at work. The employee will continue to be subject to all Council policies and procedures during their period of leave.

There is no statutory right to request a sabbatical, and granting of such a request is at the discretion of the Service Manager who will consider the following

- The duration requested

- Availability of cover
- Anticipated service demands
- Cost of cover / reallocation
- Impact on service, team, performance
- Anticipated structural changes
- Potential benefits for department

Employees who wish to undertake any paid employment during the period of the sabbatical should seek approval from HR.

#### 2.8.2. Continuity of service

Employees will continue to accrue continuous service for the purpose of statutory employment provisions such as

- Entitlement to redundancy
- Unfair dismissal rights
- Maternity/adoption/paternity leave arrangements (but not necessarily pay)
- Annual leave entitlement
- Accruing sickness pay rights

Service will not be counted in regard to any service related benefits

- Occupational sickness, maternity/adoption and occupational redundancy payments

For these purposes service prior will be aggregated with service after the sabbatical

#### 2.8.3. Incremental progression

Incremental progression will not take place during a period of a sabbatical of more than 6 months. This delay to the increment date is imposed because annual increments are awarded to reflect the development of skills, knowledge and experience within the role for which an individual is employed.

On their return to work employees must have accrued 6 months service in their role prior to the next increment being paid.

#### 2.8.4. Leave during a sabbatical

Employees on a sabbatical will not accrue annual leave during the period of the sabbatical and will not be entitled to leave during that time. If the sabbatical overlaps 2 leave years employees will be expected to take all outstanding leave prior to starting the sabbatical.

Employees will not be entitled to paid sickness leave during sabbatical

Employees will be entitled to maternity, adoption and paternity leave and can apply as if they were at work, however commencement of any of these types of leave would automatically end the sabbatical. Employees would need to meet the qualifying conditions to be entitled to statutory payments under the relevant policies.

Employees on a sabbatical will be eligible for Occupational Maternity Pay (OMP) or Occupational Adoption Pay (OAP) providing qualifying criteria is met; entitlement to Statutory Maternity Pay (SMP) and Statutory Adoption Pay (SAP) may be affected since

SMP is calculated on the basis of the employee's salary 15 weeks before the Expected Week of Childbirth (EWC). An employee wishing to know how the rules apply to a particular situation are strongly advised to seek advice from the HR Department

#### 2.8.5. Procedure

Employee should complete a sabbatical request form, giving 3 months notice prior to the requested start date of the sabbatical. Employees should be fully aware of the implications of their request and managers should confirm the decision in writing within 28 days.

Managers should submit a Variation to Contract form to HR with details of the agreement who will confirm the agreement in writing.

If the employee wishes to extend or cut short the sabbatical they must apply in writing to their line manager 2 months prior to a change of date, the manager should agree or refuse within 14 working days.

If an employee wishes to resign during a sabbatical they are still obligated to provide their normal contractual notice to the Council and may need to return to the Council for this to be concluded if it runs beyond the end of the period of the sabbatical.

#### 2.8.6. Pension

Employee's in the Local Government Pension Scheme will need to indicate if they wish to pay their pensions whilst on their period of absence. Employees will need to notify the pension service within 30 days of returning to work if they wish to pay to recover the lost service after which a break in pensionable service will apply, and no further contributions can be made. An estimate of cost will be provided and a payment plan agreed.

Employees are strongly advised to seek advice from the LGPS administrator prior to commencing a sabbatical, so that they are fully aware of the implications to their pension entitlements in future

For more information please visit the [LGPS website](#)

### **2.9. Sickness Absence**

The Attendance Management Policy offers support and assistance to employees who are sick as well as detailing the necessary reporting process. The policy also supports managers in how to manage staff who are absent to reduce the number of days lost to the Council

### **2.10. Trade Union activities**

Accredited officials of recognised trade unions are allowed a reasonable amount of time off to perform their official trade union duties with prior authorisation from their line manager and an agreement to how any time should be recorded. The Council will refer to ACAS Code of practice.

## **2.11. Training**

Time away from work to attend training should always be authorised by your line manager but would usually be paid. Training should be discussed with your line manager to determine the need and relevance for your role or development.

All day training, meetings and conferences should be recorded on your flexi time sheet as a normal days work at 7.24 hours, accrued additional time is at the discretion of your line manager. If you have a signed training agreement this should indicate the level of agreed time to attend the course.

For further information, please refer to the Learning and Development Policy

## **3. Time off for parents and carers**

### **3.1. Parental leave**

Parental Leave is for employees to take time off work to look after a child's welfare, for example to be with a child in hospital, settle them into school or spend more time with the child

- Employees must have one year's continuous service to be eligible,
- Employees can request up to a total of 18 weeks unpaid leave for each of their children up to their 18<sup>th</sup> birthday. A week is the 'normal working week' of that employee, so for part time staff this would be pro-rated
- The employee should request the leave in writing 21 days prior to the requested leave.
- Employees may request the leave in blocks of minimum 1 week and can request up to 4 weeks per year.

Parental leave may take place straight after the birth or adoption of a child or following maternity, paternity or adoption leave. If Parental leave is taken following maternity or adoption leave, the employee will be required to repay any occupational maternity or adoption pay if they do not return to work following the parental leave as this does not count towards the required 3 month return.

Employees will remain employed whilst on parental leave, contractual notice and redundancy terms will still apply and continuous service will be retained.

You will need to decide whether to pay your pension contributions during unpaid leave; this should be indicated on the application form, non payment may affect your final pension.

To qualify for parental leave you must be the parent of a child under the age of 18, who is:

- Named on the birth or adoption certificate
- With legal parental responsibility for the child

An employer may postpone parental leave if they have a good business reason to do so for up to 6 months, providing it does not end after the child's 18 birthday. Parental leave should be authorised by the service manager and arrangements made to cover the employee absence so as not to affect service delivery. Every effort will be made to avoid postponement. There should be negotiation between the employee and the line & service



manager with a view to an agreement being reached that meets the needs of the employee and service delivery. These might include:

- A different pattern of leave, e.g. part time rather than full time
- A shorter or longer period of leave
- Alternative dates

Parental leave entitlement is carried over from one employer to another

#### 3.1.1. Procedure

Employees should complete the Parental Leave registration form and provide a copy of the child's birth certificate. These will be retained on the employee file.

Manager must ensure the application form is authorised and forwarded to HR and the payroll team by the deadline to ensure the correct records are maintained and deductions are made to the employee's salary.

### **3.2. Dependant leave**

This is a statutory entitlement under section 57A of the Employment Rights Act 1996 to unpaid time off to deal with emergencies or unforeseen matters of a dependant, which could include spouse, partner, child, parent or someone who depends on the employee for care. This would normally only be for a day or two in order to make more permanent arrangements.

This leave will normally be granted at the discretion of the employee's line & Service manager, subject to operational demands, and reasonable requests will not be refused. There is no qualifying length of service.

#### 3.2.1. Circumstances covered

An employee is entitled to be permitted to take a reasonable amount off time off during working hours in order to take action that is necessary, such as:

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for a dependant who is ill or injured;
- in consequence of the death of a dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant
- to deal with an incident involving a child which occurs unexpectedly during school hours.

### **3.3. Special Dependant Leave**

The Council recognises that on occasion time off to deal with planned care for dependants is required and will offer up to 5 days unpaid leave per calendar year dependant leave to deal with foreseen events

The same definition of a dependant applies for special dependant leave. The difference to dependant leave is that the event/s may be foreseen but of a serious nature making the presence of the employee necessary, such as:

- time off to settle an elderly relative into a care home;
- to attend a hospital appointment with a dependant
- go to the hospital for a planned operation with an dependant/partner

#### 3.3.1. Employee's responsibility

The employee must talk to their line & Service manager as soon as the need for time off arises giving the reason for time off and how long they expect to be away from work. If an employee has to respond to an emergency whilst at work the time off should be granted by their Service manager or the Service manager's representative at the time. The employee must contact the line & Service manager on return to work giving the reason for the absence.

#### 3.3.2. Managers' responsibilities

The manager must record Dependant or Special Dependant leave on the employees leave card as 'time off for dependants or special dependant leave - unpaid'.

As with all periods of unpaid leave, the Service manager must notify HR by sending the unpaid leave request form. The reason for the unpaid leave must be given.

#### 3.3.3. Break in service to care for a dependant

Where an employee returns to local government service following a break in service for reasons concerned with caring for children or other dependants they will be entitled to have previous service taken into account with regard to Sickness and Parental Leave schemes, provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened. For the purpose of the calculation of entitlement to annual leave the eight years time limit does not apply.

In order to qualify for this provision, employees must declare in writing that they left local government service to care for their children or other dependants and that they undertook no permanent employment during the period in question.

### **3.4. Foster Training Leave**

Foster Care Leave is available for employees looking to start fostering children through the Local Authority. The Council will allow up to 5 days paid leave to employees who want to train to pursue fostering. This is for those training to become foster carers to enable them to attend essential training sessions. This is part of the Cambridgeshire County and Peterborough City Councils foster friendly campaign.

### **3.5. Compassionate leave**

In the event of the death or serious illness of a close relative, partner or dependant the line manager has discretion to grant up to 3 days paid leave. Individual circumstances will vary and management should deal with the personal circumstances sympathetically in the event of any request and seek advice from HR if uncertain. The employee should notify their line

manager as soon as is reasonably practicable. A request should be followed up in writing to their manager to request the compassionate leave.

For any periods of unpaid leave, the Unpaid leave request form should be completed; employees must indicate whether they wish to make up pension contributions

### **3.6. Parental Bereavement Leave**

Parental bereavement leave is an entitlement for bereaved parents to be absent from work with normal pay for up to two weeks.

#### **Eligibility**

Parental bereavement leave is a "day one" employment right; the Council does not require a qualifying period, so you will continue to receive normal pay during this time.

- Whatever your length of service, you can take this type of leave if you are the parent of the child who has passed away, or the partner of the child's parent. In general, you can take this type of leave if you have parental responsibility for the child. This includes adoptive parents, and parents who suffer a stillbirth 24 weeks or more into the pregnancy.
- If you have suffered a bereavement but are unsure if you are entitled to parental bereavement leave, please contact the HR department for clarification.

Those eligible are:

- employees who are the parents of a deceased child under the age of 18, including adoptive parents.
- individuals with caring responsibility for a deceased child who has died.
- the partner of a bereaved parent.

If you have lost more than one child, you have a separate entitlement to bereavement leave for each child who has passed away.

#### **When can it be taken?**

Parental bereavement **leave** operates in units of one week and is not available as individual days.

Bereaved parents can take the leave as a single block of two weeks; or two separate blocks of one week at different times; the leave must be taken within 56 weeks of the date of the death of the child.

#### **To take parental bereavement leave:**

please contact your manager or HR, and inform us (this can be by phone):

- the date of your child's death;
- the date on which you are beginning your parental bereavement leave; and
- if you intend to take one or two weeks' parental bereavement leave.
- If this is within the first 56 days, you do not need to give us any notice.
- If this is after the first 56 days, you must give your manager or HR at least one week's notice.

You can cancel your planned leave and take it at a different time (within the 56 weeks after your bereavement). Where your planned leave was due to begin during the first 56 days after your bereavement, please let your line manager/the HR department know you no longer wish to take it before your normal start time on the first day of the planned leave.

Where your leave was due to begin more than 56 days after your bereavement, please let your line manager/the HR department know at least one week in advance that you wish to cancel it.

You cannot cancel any week of parental bereavement leave that has already begun.

### **Additional support**

The Council understands how difficult this time period can be and will support the employee as much as possible.

If you wish to access Counselling sessions, please speak to your manager or HR.

If there is further support that you need, please speak to your manager or HR as soon as possible. For example, this may include working flexibly, or adjusting your working hours for a specific time period.

### **3.7. Maternity, Neo Natal, Paternity, Adoption and Shared Parental Leave**

Please see individual policies for qualifying criteria, payments and application processes

### **3.8. Flexible Working**

The Council also operates a Flexible working application scheme whereby staff with 26 weeks continuous service may apply to make a contractual change to the hours, working patterns or times that they work, or to work from home some of the week. Following a trial period, this would normally constitute a permanent change to an employee's contract, however in certain circumstances a temporary adjustment may be agreed with the employee to support the employee being at work

Please see the flexible working policy for further details

### **3.9. Flexible retirement policy**

Flexible Retirement provides an opportunity for employees aged 55 and over to make a more gradual transition from working life to retirement, an eligible employee may;

- request to take a permanent reduction in hours or request to move to an associated role with a downgrading of duties, responsibility and grade, and
- request immediate payment of all or some of the LGPS pension benefits built up prior to the reduction/move, this is subject to approval

An employee aged over 55 can apply for flexible retirement where they have:

- 3 or more months' membership of the LGPS
- At least 2 years continuous service with the Council
- Been working in the current post/grade/hours continuously for the last 12 months

For more information, please see the Flexible Retirement Policy

### **3.10. Unpaid leave**

In some circumstances employees may request a period of unpaid leave in writing to their manager; the manager would need to approve this and the employee would need to agree whether they wished to buy back lost pension.

An unpaid leave form would need to be submitted to payroll

#### **4. Unauthorised absence**

If you are absent from work and do not notify your line manager in a timely fashion and do not have a doctors certificate to cover the period of absence, it will be classed as unpaid and unauthorised and may be dealt with under the Council's Disciplinary Policy.

#### **5. Related policies**

Flexible Working Policy

Purchase of Annual Leave Policy

Attendance Management Policy

Council Anywhere Guidance

Flexible Retirement Policy

Maternity Policy

Adoption Policy

Paternity Policy

Shared Parental Leave policy

Neo-Natal Leave policy

Learning and Development Policy