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## TIME OFF WORK AND LEAVE POLICY

All employees are entitled to time off work for a number of reasons, for example, holiday, maternity, dependents leave, time off in lieu (TOIL). Some of these are statutory entitlements, some are paid, and some unpaid.

Allowing time off work has a number of benefits, it supports employee wellbeing, maintains/improves staff morale, and provides a balance between work and personal commitments.

This policy sets out obligations when taking leave and the associated entitlements.

All leave, including time owing in lieu, must be requested in advance and authorised with the Clerk, or the Chairman if the Clerk, who can reject leave requests for a number of reasons such as office cover, service provision, and/or a number of employees requesting leave at the same time.

Employees found to be applying for leave dishonestly will be dealt with under the Council's Managing Employee Performance Policy.

Records should be kept by the Clerk, or the Chairman in the case of the Clerk, of all leave taken by employees within their team.

### **1 Scope**

- 1.1 This policy covers all Frampton Cotterell Parish Council employees. Leave due to illness is dealt with under separate policies such as the Sickness Absence Policy. Specific entitlements are detailed where relevant.

### **2 Annual Leave**

- 2.1 Most permanent Council employees are provided with a paid entitlement of 20 days plus bank holidays in a complete leave year and two extra statutory days which must be taken between Christmas and New Year. After five years continuous local government service, employees receive an additional 5 days leave. All entitlements

are pro rata for part –timers. Employees should refer to their Statement of Terms and Conditions of Employment for confirmation of their leave entitlement.

- 2.2 The leave year is the 12-month period from 1 April to 31 March.
- 2.3 The Clerk, or Chairman in the case of the Clerk, will advise and confirm individual leave entitlements with their employees as soon as possible after commencing employment and where appropriate, part-time staff should have their leave calculated in hours.
- 2.4 Annual leave can be taken in units of full or half days leave. Leave taken should be deducted from the total leave entitlement, remembering to deduct for bank holidays as they arise.
- 2.5 On reaching five years' local government service, a proportion of the additional five days leave is granted on the first month following the month of the service date.
- 2.6 Where an employee reduces or increases their working hours, any leave entitlement will be adjusted to the new hours worked.
- 2.7 The leave entitlement for an employee leaving or joining the Council is proportionate to their completed service during the leave year.
- 2.8 When an employee leaves the Council and has taken in excess of their proportionate leave entitlement, the Council will make an appropriate deduction from their final salary. When an employee leaves and has taken less than their proportionate leave entitlement, an appropriate additional payment may be made.
- 2.9 Annual leave must be taken by the end of the leave year and cannot be carried over, unless granted by the Clerk and Staffing Committee, who may grant carryover of leave in exceptional circumstances (no more than 5 working days for full-time equivalents). There are separate rules for the carry-over of leave under the Maternity and Ill Health Policies and Procedures (see 2.10).
- 2.10 Employees on maternity, adoption, paternity, shared paternity and parental leave will continue to accrue annual leave, however, annual leave cannot be taken during this leave.
- 2.11 Employees continue to accrue holiday entitlement whilst absent from work due to sickness regardless of how long the period of sickness lasts. They are entitled to take annual leave whilst on sickness leave if they wish. However, if an employee is unable to take all of their annual leave entitlement within a leave year due to illness, they are able to carry over a maximum of 28 days (the statutory entitlement), to the next leave year.

- 2.12 No more than two weeks holiday may be taken at any one time unless the Clerk or Staffing Committee gives permission, with a return to work of at least two weeks between holiday bookings.

### **3 Public/Bank Holidays**

- 3.1 All employees get a paid holiday on each of the 8 statutory, general, and public/bank holidays as they occur and an additional 2 fixed days which will be taken between Christmas and New Year.
- 3.2 As leave entitlement includes bank/public holidays, employees who are due to work on a day that is a bank/public holiday will need to deduct their working hours for that day from their total leave entitlement. If a bank/public holiday falls on a day an employee was not scheduled to work, no deduction is necessary.
- 3.3 No substitute bank/public holiday or extra statutory day will be given if an employee is off work sick on a bank/public holiday or extra statutory day.

### **4 Time off in Lieu (TOIL)**

- 4.1 Council roles may demand flexible working hours outside the normally accepted office hours arrangements i.e. to cover evening meetings or events.
- 4.2 Additional hours worked will be accrued to be taken as single time off in lieu. This applies to all work undertaken outside the normal working week including Saturdays and Sunday work.
- 4.3 Additional and out of hours duties are only to be undertaken by specific request of the Staffing Committee, Chairman, or The Clerk.
- 4.4 A timesheet recording details of hours worked should be kept up-to-date and submitted to the Clerk weekly to verify.
- 4.5 Hours owing must be used up within four weeks of extra time worked or will be lost, unless prior agreement is sought from the Clerk, Chairman, or Staffing Committee.
- 4.6 In exceptional circumstances time owing in lieu can be paid at single time rates, if agreed by the Staffing Committee/Council.

### **5 Extra Statutory Day**

- 5.1 The extra two statutory day's leave is awarded to all employees. The extra statutory days are to be taken on the working days between Christmas and New Year when the offices are closed.



## 6 Time off for public duty

### Jury Service

- 6.1 Employees called for Jury Service must inform the Clerk or Chairman in the case of the Clerk, as soon as possible and then complete a 'certificate of loss of earnings' form which they will receive from the courts. The Clerk will ensure payroll is correctly updated. The employee should notify the Clerk of any payment made by the courts so that the appropriate amount can be deducted from their salary. If such a claim cannot be made, then paid leave will be granted.

### Court Appearances

- 6.2 Employees who are required to attend as a witness in Court proceedings should claim for loss of earning from the Court. If such a claim cannot be made, then paid leave will be granted.

### Reserve Forces

- 6.3 Upon proof of membership, volunteer members of the non-regular forces can request time off for training, which the council will consider in line with 6.4 below. The using of annual leave or unpaid leave requests will be considered, the Council has discretion to agree to paid leave if essential training and subject to operational requirements. See guidance at [www.gov.uk/employee-reservist](http://www.gov.uk/employee-reservist) for more information.

### Statutory Duties

- 6.4 Any employer may permit an employee time off for public duties if they are a:
- A magistrate (also known as a justice of the peace) – by law the Council must allow reasonable time off to carry out these duties. Employees can claim an allowance from the court for loss of earnings.
  - a local councillor
  - a school governor
  - 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 a health authority
  - a member of a school council or board in Scotland
  - a member of the General Teaching Councils for England and Wales
  - a member of the Environment Agency or the Scottish Environment Protection agency
  - a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
  - a member of Scottish Water or a Water Customer Consultation Panel
  - a trade union member for trade union duties

If you qualify, you are allowed reasonable time off to go to meetings or to carry out your duties. The time must be agreed with the Clerk beforehand who can refuse your request if it is unreasonable. A specific amount of time off is not laid down in law.

Whether your time off is classed as 'reasonable' will depend on:

- what your duties are.
- The time you need to carry them out
- The impact on service needs
- How much time off you have already had for public duties or trade union duties.

Paid leave of absence can be granted at the discretion of the Clerk, Chairman, or Staffing Committee/Council, bearing in mind the requirements of their post and the nature of their public duties.

## **7 Time off for Medical Screening and Other Appointments**

7.1 Wherever possible, visits to GP and other routine medical appointments should be made outside of working hours. However, when employees are able to show that these visits unavoidably occur during working hours, these will be permitted, subject to the employee making up the hours lost.

7.2 Employees having to attend hospital, clinic appointments, or work-related appointments i.e. sight tests, Occupational Health appointments, where the timing of the appointment is beyond their control, will be able to attend these appointments during working hours with no expectation to make up the hours lost.

7.3 Reasonable paid time off will be granted for the purposes of medical screening and IVF treatment.

## **8 Special Leave**

8.1 Additional leave with or without pay may be granted in special circumstances at the discretion of the Council.

## **9 Study Leave**

9.1 Paid leave will be given to all employees in order to sit approved examinations applicable to local government work.

9.2 In addition, up to three days study leave per year of course, pro-rata for part-time staff and for course length, will be given either prior to sitting examinations or for the purpose of completing assessed course work or assignments required by the approved training course. In the instance where a course does not have to be completed within a set period of time, the period of study leave due is to be confirmed with the Parish Clerk.

## **10 Maternity leave and maternity support leave**

The Council operates a maternity leave and pay scheme. Full details of eligibility, criteria and pay can be found in the Employee Handbook.

10.1 Maternity support leave is available to employees accompanying the expectant mother as follows:

- Employees who are the child's father, the spouse, partner, civil partner or nominated carer (see below) of the expectant mother or the intended parent of a child in a surrogacy arrangement are eligible. However, the employee must have been continuously employed by the Council for at least 26 weeks by the end of the 15<sup>th</sup> week before the week that the baby is due. The employee must then continue to be employed by the Council until the date the baby is born.
- One half day paid leave to attend a specific ante-natal session which can only be accommodated in working hours.
- Five days with pay shall be granted at or around the time of birth. This can be used in conjunction with paternity or parental leave.
- Any pregnancy (not just the first child).

10.2 A nominated carer is the person the mother nominates to assist in the care of the child and to provide support to the mother at or around the time of birth. This could be a partner, child's father or another nominated carer e.g., mother's mother. Only one nominated carer is eligible for maternity support leave per pregnancy.

10.3 To apply for maternity support leave, you should first agree with the Clerk or Staffing Committee before completing the adoption support leave application form and send this to Payroll.

## **11 Adoption leave and adoption support leave**

The Council operates an adoption leave and pay scheme. Details of eligibility, criteria and pay can be found in the Employee Handbook.

11.1 Five days paid adoption support leave is available for the partner or nominated carer of the primary carer at or around the time of placement. This can be used in conjunction with paternity or parental leave.

11.2 A nominated carer is the person nominated by the primary carer to assist in the care of the child and to provide support to the primary carer at or around the time of placement. Only one nominated carer is eligible for adoption support leave per adoption.

11.3 To apply for adoption support leave, you should first agree with the Clerk or Staffing Committee before completing the adoption support leave application form and give it to the Clerk to ensure the appropriate payroll updates are made.

## **12 Paternity leave**

The Council operates a paternity leave and pay scheme. Details of eligibility, criteria and pay can be found in the Employee Handbook.

## **13 Parental leave**

- 13.1 This gives an employee the right to take up to 18 weeks unpaid leave to care for a child up to the age of 18 years old (including adoptions), providing they have one year's continuous employment. This is pro-rata for part-time employees. The right is for up to 18 weeks per child. In the case of multiple births, 18 weeks leave must be provided for each child.
- the employee is the mother or father of a child under 18 years old, or
  - the employee is the adoptive parent of a child under the age of 18.
  - the employee has acquired formal parental responsibility for a child who is under 18 years old
- 13.2 The right is an individual right, so both parents are entitled to unpaid parental leave. The parent does not have to be living with the child to qualify.
- 13.3 Parental Leave can be taken in blocks of between one and four weeks in any one year (part weeks count as one week). The parent/carer of a disabled child may take leave in single days. The leave may be taken immediately following on from Maternity/Paternity/Adoption Leave subject to agreement of the Council.
- 13.4 Requests for parental leave must be made in writing to the Clerk of Staffing Committee with a minimum of 21 days' notice of the required start date. The employer must reply to a request for Parental Leave within a time equal to the amount of time requested.
- 13.5 A special provision can be made for fathers to take time off immediately after the birth or adoption, providing at least 21 days' notice is given before the week in which the birth or adoption is expected. The employer may not postpone this.
- 13.6 The Parish Clerk can postpone the leave where the needs of the Council make this necessary and it is reasonable, but not for more than six months and not where it would extend past the child's 18th birthday. To postpone leave, the council must write to the employee within seven days of receiving the request, explaining why the leave needs to be postponed and confirming the new start and end dates.
- 13.7 The contract of employment will continue but the employee will not be paid.
- 13.8 The Clerk or Staffing Committee can ask for evidence, if it is reasonable, to show that:
- the employee is the parent of a child
  - the employee has parental responsibility for the child.
  - the child is below the age at which the right to parental leave ceases.
  - in the case of a disabled child the child is entitled to disability living allowance.

13.9 If an employee tries to claim for Parental Leave dishonestly, they will be subject to the Managing Employee Performance Policy.

## **14 Dependants care leave**

14.1 The Employment Relations Act 1999 (EReIA) introduces a statutory right to unpaid dependants leave and defines 'dependant' and the 'unexpected or sudden problem' for which leave would be granted. Frampton Cotterell Parish Council has incorporated this statutory entitlement into Dependants' Care Leave.

14.2 The definition of a 'dependant' is:

- Spouse/partner
- Child (including adopted or foster child)
- Parent
- Someone who lives with the employee as a member of the family (excluding lodgers, friends, flat mates, etc.)

14.3 This is for unexpected, sudden, unforeseen, emergency matters, not where the employee knows in advance that they are going to require time off

- Caring for dependant who is ill, injured or assaulted- emergency doctor or hospital visits, not planned, routine visits;
- Having a baby – if the birth is unexpected, DCL does not apply after the birth.
- Disruption of care arrangements i.e. your child minder does not turn up.
- Dealing with a serious incident involving a child which occurs unexpectedly during school hours.

14.4 Dependent Care Leave may be given at the discretion of the Clerk, or the Chairman if the Clerk.

14.5 Employees have the option to take annual leave, unpaid dependents care leave, or time in lieu.

## **15 Foster carer leave**

15.1 Employees, who are foster carers, are eligible to receive up to a maximum of five days paid leave per annum for the purpose of attending:

- Training events.
- Statutory review, education planning and other meetings related to their foster carer responsibilities.
- Supervision sessions.

15.2 All paid leave must be authorised by the Clerk or Staffing Committee, so employees who are foster carers, should provide as much notice as possible of the request for leave.

## **16 Compassionate leave**

- 16.1 Up to five days paid compassionate leave is available to employees, with the agreement of the Clerk or Staffing Committee and which will not be unreasonably withheld. Following the death of a dependant/close relative (see 16.2) or in the cases where a dependant/close relative has a life-threatening illness. The five days do not need to be continuous.

This leave would include time to make funeral arrangements, attend the funeral, and deal with the emotional difficulties associated with bereavement and serious illness.

- 16.2 A dependent/close relative is defined as a:
- Spouse/partner
  - Child (including adopted or foster child)
  - Parent
  - Someone who lives with the employee as a member of the family (excluding lodgers, friends, flat mates, etc....)
  - Brother
  - Sister
  - Parent-in-law (including parents of the employee's partner)
  - Grandparent
  - Grandchild
  - To include step-relatives where there is a close relationship with the employee.

## **17 Parental Bereavement Leave and Pay**

Parental Bereavement Leave provides up to two weeks' leave for employees following the loss of a child, on or after 6 April 2020, who was under the age of 18 or a stillbirth after 24 weeks of pregnancy.

### 17.1 Parental Bereavement Leave

In order to qualify for parental bereavement leave and pay, the employee must be either:

- the child's legal parent; or
- a parent's partner, in an enduring family relationship with the child who has passed away and their parent; or
- an individual with a caring relationship to the child, such as a "parent in fact", who are defined as a person who for a continuous period of at least four weeks before the child's death has lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted);
- the "intended parent" of a child who has passed away, i.e. a parent using a surrogate; or
- the "natural parent" of a child who has passed away who is named in a court order, i.e., where a court orders some contact for an adopted child's birth parent; or
- the adopter of a child who has passed away.

All employees, who are eligible as above, are entitled to 2 weeks' parental leave regardless of their length of service.

The two weeks' leave can be taken, either as one block or in two one-week blocks. The leave may be taken at any time within 56 weeks of the child's death.

#### 17.2 Notification requirements

If the employee wishes the leave to start within 56 days of the child's death, notice must be given to the Clerk/Staffing Committee before the day the employee wishes the leave to start, or where that is not possible as soon as is reasonably practicable.

Employees must give the Clerk/Staffing Committee at least one week's notice if they wish the leave to start after the 56-day period.

When giving notice the employee must specify, in writing, to the Clerk/Staffing Committee:

- the date of the child's death,
- the date on which the employee intends the leave to start, and
- whether the period of absence is for one week or two weeks.

#### 17.3 Cancellation of Parental Bereavement Leave

If an employee has asked to begin parental bereavement leave within the first 56 days of the date of the child's death, they can cancel the parental bereavement leave, as long as they inform the Clerk/Staffing Committee prior to when they would have been due to start work.

If an employee has asked to begin parental bereavement leave more than 56 days after their child's death, then they can cancel their request for parental bereavement leave, as long as they inform the Clerk/Staffing Committee Clerk at least one week in advance.

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

#### 17.4 Parental Bereavement Pay eligibility

In order to qualify for parental bereavement pay employees must meet the eligibility criteria as above and also have:

- at least 26 weeks' continuous service by the week before the week in which their child passes away, and still be employed by the Council on the day on which the child passed away;
- weekly average earnings over the lower earnings limit for National Insurance contributions in the eight weeks prior to the week before the child's death.

#### 17.5 Parental Bereavement Pay

Parental bereavement leave will be paid at the Statutory Parental Bereavement Pay (SPBP) rate or 90 per cent of the average weekly earnings, whichever is the lower.

In order to receive parental bereavement pay, an employee must notify the Clerk/Staffing Committee in writing within 28 days of the start of the week's (or weeks') leave or, if that is not reasonably practicable, as soon as is reasonably practicable.

Notice must include the parent's name and the date of the child's death. Furthermore, on the first occasion leave is taken, the employee must also provide a written declaration that they meet one of the qualifying conditions in terms of their relationship with the child.

Parental bereavement leave for employees who are not eligible for parental bereavement pay will be unpaid.

#### 17.6 Continuous Service

Parental Bereavement Leave counts for the purpose of continuous service.

#### 17.7 Returning to work following parental bereavement leave

Employees have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

Employees are entitled to return to an alternative job that is suitable and appropriate, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to other statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child; and
- it is not reasonably practicable for them to return to the same job.

### **18 Severe weather conditions**

18.1 Where possible, staff should attend for work as agreed with the Clerk or Staffing Committee. In exceptional circumstances flexible working arrangements such as home working can be agreed. Where staff do not attend work, agreement can be made to take the day as annual leave, unpaid leave, or time in lieu. Additionally, staff may be eligible for dependants care leave if their child or other dependants care arrangements are disrupted.

### **19 Unpaid leave scheme**

19.1 This policy applies to all Parish Council employees with at least 24 months service.

19.2 Subsequent periods of unpaid leave can only be requested after a further 24 months have been worked. Only where exceptional compassionate circumstances apply will a subsequent request for unpaid leave be considered.

- 19.3 The Clerk/Staffing Committee will consider requests for unpaid leave of absence. Unpaid leave may be granted for:
- Caring responsibilities for children, elderly parents or other close relatives as defined under Dependants Care Leave;
  - Education or training;
  - Voluntary/community work;
  - Any other purposes that the Council considers reasonable and appropriate.
- 19.4 Unpaid leave will not be granted for the purpose of the employee taking up other paid employment,
- 19.5 This scheme does not replace but is additional to other Council policies/procedures for paid/unpaid leave
- 19.6 Unpaid leave of absence under the scheme is for between two and 12 months. Once agreed, the length of the period will not be varied (unless in very exceptional circumstances agreed by the Council).
- 19.7 During the absence the employee will maintain contact with the Clerk or Chair of the Council in the case of the Clerk.
- 19.8 Requests for unpaid leave should be submitted in writing to the Clerk/Staffing Committee for consideration, at least three months before the absence will commence. The application will provide full details of the leave requested and its purpose.
- 19.9 It is the responsibility of the Parish Clerk, in liaison with the Staffing Committee, to ensure that effective service provision is maintained and the approval of unpaid leave is at the Committees discretion. Consideration will be given to any financial implications and any anticipated difficulties in securing a temporary replacement. If unpaid leave is not granted, the reasons, which must be reasonable, will be put in writing to the employee.
- 19.10 In situations where a temporary appointment is made to cover the post, the temporary employee's contract of employment will clearly state the employment terminates on the return of the substantive post holder. In some circumstances the temporary contract may specify an actual termination date.
- 19.11 An employee granted unpaid leave would be expected to use their annual leave entitlement pro-rata up to the commencement of the unpaid leave period.
- 19.12 During unpaid leave, employees will:-
- Have their continuity of service maintained for all contractual and statutory benefits, with the exception of annual leave entitlement;

- Need to make pension contributions as follows:
  - An absence without pay of less than 30 days – employees must pay contributions for the period based on the pay they would normally have received;
  - An absence without pay of more than 30 days – employees have the option to pay contributions for the whole period based on the pay they would normally have received. The employee has 30 days from the date they return to work to exercise this option and need to liaise with the Avon Pension Fund.

19.13 During unpaid leave employees will not:-

- Accrue entitlement to paid annual leave or be paid for statutory or extra-statutory holidays;
- Be entitled to other contractual benefits such as Maternity Leave, Maternity Support Leave, Parental Leave, Dependents Care Leave and Public Duty Leave;
- Receive any other salary, allowance or payments that form part of the employment conditions;
- Be entitled to have any of the periods of unpaid leave regarded as sick leave, even if they submit a fit note.

19.14 If the employee wishes to return to work early, at least one month's notice must be given in writing to the Parish Clerk or Staffing Committee, stating the nature of the exceptional circumstance so that the request can be considered.

19.15 The Clerk must ensure payroll adjustments are made.

## **20 Important Notice**

**The Statement of Terms and Conditions of Employment, followed by the Employee Handbook, take precedence over and policy, including this policy. Employees should always refer to the Statement of Terms and Conditions of Employment for terms specific to them.**