

Leave Arrangement Policy

1.0 Policy Statement

- 1.1 We recognise the importance of employee wellbeing and that employees need to balance their home and work life. To assist with this, we offer a number of different types of leave that afford flexibility in a range of circumstances.
- 1.2 This policy intends to provide guidance for employees and managers on all types of leave arrangements including:

2.0	Annual Leave
3.0	Bank Holidays
4.0	Unpaid Leave
5.0	Time off for Dependents
6.0	Employment Break/Sabbaticals
7.0	Unpaid Leave, Considerations for Employees
8.0	Compassionate Leave and Parental Bereavement Leave
9.0	Adverse Weather
10.0	Jury Service
11.0	Public Duties
12.0	Reservist
13.0	Election Duties

There are separate policies for guidance on leave through Flexible working, Maternity, Paternity, Adoption; Shared parental leave and Unpaid Parental Leave.

- 1.3 In line with our organisational values, we expect employees and managers to be accountable for their individual responsibilities under this policy, and through respect for each other we can manage the provision of leave fairly taking into account individual circumstances and organisational needs.

2.0 Annual Leave

2.1 Annual leave entitlements

The entitlement to annual leave for all posts up to Corporate Director, increases with service.

	Length of service	Annual leave entitlement, full time equivalent – days/ hours leave per year
Employees up to Corporate	Less than 5 years local government continuous service	24 days (177.6 hours)

Directors/Managing Director	Entitlement to annual leave will increase on the 5 th anniversary of an employee's start date	30 days (222 hours)
Managing Director and Corporate Directors		34 days (251.6 hours)

- 2.2 The annual leave year runs from 1st April to 31st March.
- 2.3 Annual leave in the HR system may be allocated in hours and minutes rather than days, a standard 7.4 hours is applied to a days entitlement, except for employees who work in CCTV who's standard FTE is greater than the council norm and is calculated on 8.8 hours.
- 2.4 Annual leave entitlement is pro rata for part time employees and for staff that work annualised hours, annual leave entitlement will be pro rata'd based on the average weekly hours of the contract
- 2.5 The annual leave calculator is available on the HR page or by clicking the link below:
<http://teams/hr/HR/Documents/Forms/Annual%20Leave.aspx>
- 2.6 **First Aiders**
Designated first aiders, will receive 2 extra days leave per year (pro rata for part time employees). Where an employee becomes a first aider part way through the leave year, the entitlement would need to be pro-rata for the months completed within the year.
- 2.7 **Booking annual leave**
Employees are responsible for keeping an up to date record of annual leave taken and leave remaining in a given year via the HR system or by card where this is not available.
- Staff that work compressed hours (which is full time hours over fewer days), are required to book their normal working day as leave, eg if on compressed hours I work a 9 day fortnight and my working day is 8.2 hours instead of normal full time equivalent of 7.4, I would need to book 8.2 whenever I took holiday.
- Managers must authorise all leave in advance, and employees should try to provide as much notice as possible, especially where the leave is for a longer period. Local arrangements are in place, in some areas, which detail how far in advance annual leave needs to be booked and any specific local rules around the taking of annual leave. Where travel arrangements are booked prior to authorisation, HDC will not recompense any costs incurred.
- HDC recognises the importance of employees taking rest periods from work, and so would only in exceptional circumstances, and with good business reason, withdraw authorisation of leave already granted. This will be discussed with the affected employee on an individual basis.
- 2.8 **Carrying over annual leave**
All annual leave should be taken within the leave year. However, in exceptional circumstances, if an employee was unable to take all of their annual leave within the leave

year due to business reasons, a manager may authorise in advance the carry forward of maximum of 5 days' leave (pro-rata hours for part time employees) into the next leave year.

2.9 **Annual leave on termination**

Employees should take any outstanding leave (pro rata to the end date) prior to their last date of employment.

Any leave accrued up to last day of employment and not taken will be paid in your final salary and if you have taken holiday in excess of your accrued entitlement, this will be deducted from final salary. For annualised hours contracts, the leave entitlement on termination will be calculated based on the hours actually worked during the leave period and up to their last day of employment.

3.0 Bank holidays

3.1 There are generally 8 bank holidays in each year (though on occasion the government may grant extra bank holidays).

3.2 Part time employees, staff who work on shift / rota's or on a flexible working pattern will have a pro rata bank holiday allowance that is allocated at the beginning of the annual leave year and added to the holiday leave entitlement.

For those who have a bank holiday entitlement added to their annual leave, if a bank holiday falls on a day that you were due to work and you are not required to work – the employee will book and take the bank holiday off (and a normal flat rate salary is paid), the employee must deduct the amount of hours he/she should have worked from the annual leave and bank holiday total entitlement.

4.0 Unpaid Leave

4.1 The council identifies the following types of Unpaid leave an employee may wish to request:

- Unpaid leave (up to 2 weeks)
- Time off for Dependents (statutory right)
- Employment Breaks (1 to 12 months)
- Unpaid Compassionate Leave

4.2. **Unpaid Leave**

In situations where short periods of unpaid leave is required by individuals, leave may be requested by employees and managers will consider individual needs against operational requirements. Unpaid leave can be used for short term leave i.e. up to a period of 2 weeks. During periods of unpaid leave all council policies and procedures and contractual rights continue to apply, e.g. an employee will retain their ID card and will be able to access their normal work base and periods of approved unpaid leave will count when calculating local government continuous service.

4.3 Notification – requesting and approving short periods of Unpaid leave

Employees should submit unpaid leave requests in writing to their Managers via Unpaid Leave Form Formatted and managers should send approved requests by email to transactions@huntingdonshire.gov.uk as soon as they can and at least by the payroll deadline of the month to avoid under or over payments.

5.0 Time Off for Dependants

5.1 As an employee you're allowed 'reasonable' time off to deal with an emergency involving a dependant. For example (not exhaustive);

1. To provide assistance when a dependant falls ill, gives birth, is injured or assaulted.
2. To make arrangements for the provision of care for a dependant who is ill or injured.
4. To deal with the unexpected disruption of arrangements for the care of a dependant.

5.2 A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care.

5.3 There is no set amount of time for 'time off for dependents' each request will be considered on the situation. You should tell your manager as soon as possible how much time you'll need.

5.4 Time off for dependents is for emergency situations only, where you did not know about the situation before or where other types of leave could not have been planned for. In those situations, please consider Parental Leave policy or compassionate leave (below).

5.5 Notification – requesting and approving Time off for Dependents

Employees should submit requests in writing to their Managers via 'Unpaid Leave Form Formatted' and managers should send approved requests by email to transactions@huntingdonshire.gov.uk as soon as they can and at least by the payroll deadline of the month to avoid under or over payments.

6.0 Employment Breaks/Sabbaticals

6.1 HDC recognises that there are times when employees may wish to take a longer period of time away from work and the Council provides **employment breaks** (sometimes called a sabbatical) to enable employees to take time out for any reason other than to pursue other employment. Examples may include: extended holiday; to go travelling; To fulfil domestic commitments (e.g. bringing up children or caring for a dependant); To undertake voluntary work; and / or To pursue non-work related training / further education.

6.2 Employment Breaks - Qualifying conditions

To be eligible employees must have been employed on a permanent contract, for at least 12 months and at the time of requesting not be subject to disciplinary or formal performance procedures.

6.3 Requesting & approving Employment Break:

Employees must put their request in writing to their manager using the 'Unpaid Leave form formatted'; outlining the period of leave requested and the reasoning, and providing the same notice as in their contract of employment i.e. at least one month, up to a period of three months.

All employment breaks are subject to a line manager's authorisation. Managers should use their discretion when agreeing to an employment break, considering the needs of the service at the time of the application; the needs of the employee; the ability to recruit a temporary replacement or manage without a replacement and the number of employment breaks already taken, by the individual, together with the anticipated duration of the break.

Managers must ensure when considering requests that the maximum entitlement to employment break, is not exceeded i.e. 12 months in a 5 year period. Managers should check with HR if they are unsure, what previous breaks may have been taken.

Managers should send (Unpaid Leave Form Formatted) by email to transactions@huntingdonshire.gov.uk as soon as they can and at least by the payroll deadline of the month in which the employment break is to commence. A member of the HR department will confirm the employment break with the employee in writing.

6.4 Length of Employment Break

Employment breaks can be agreed for a minimum of one month and up to a maximum of 12 months. An employee may take a maximum employment break of 12 months for every 5 years continuous employment with HDC. This means that an employee could take a number of months unpaid break each year, *provided that* the total of the breaks does not exceed 12 months in a 5 year period.

6.5 Contractual Rights during an Employment Break

Employment breaks are unpaid. An employee's salary scalepoint, annual leave and bank holiday entitlement, sick leave, occupational maternity leave and redundancy entitlement are frozen until an employee returns from an employment break. An employment break cannot be recognised for performance related pay reviews.

During an employment break an individual remains an employee of HDC and all other terms and conditions of employment (as stated in the employee's contract of employment) will continue to apply. For example:

- You cannot take up paid employment with another organisation without prior agreement from a manager.
- You may be able to work in a self-employed capacity or undertake some relief work for HDC (on an appropriate relief contract) – employees should discuss this with their manager before the commencement of the employment break.
- All HDC policies and procedures e.g. continuous service, disciplinary policy and procedure, code of conduct, grievance procedure and the requirement to maintain confidentiality will apply during the employment break.
- The employees notice period to terminate employment.
- The employee will retain their ID although this may be suspended for the duration of the employment break.

The period of the employment break does not count as a break in service and will be regarded as continuous employment for statutory purposes under the Employment Rights Act 1996, as amended. However, as outlined above some contractual rights are frozen for the duration of the employment break.

6.6 Conditions during the Employment Break

Employees will be expected to fulfil certain requirements and maintain their right to return to work, the purpose of which is to maintain their skills, knowledge and expertise in an up to date state, thus ultimately enabling a smooth transition back into employment.

An employee may be required to maintain their professional subscriptions/membership where this is required for employment purposes.

An employee will be required to provide a contact address and notify HDC of any changes to their circumstances.

An agreement between the manager and employee will be made on how they will be kept updated, if possible, on any developments within HDC.

6.7 Right to return following an Employment Break

At the end of an employment break and employee will have the right to return to their original post or one on a similar grade, depending on the circumstances at the time.

If an employee wishes to return at an earlier date than that originally agreed, he/she must provide their manager with at least one month's notice of the intention to return early. Where sufficient notice is not provided HDC reserves the right to delay the return to the date originally agreed.

If an employee does not return to work on the agreed return date, without good reason or notice, he/she will be considered to be absent without leave (AWOL) and this will be dealt according to the relevant policy.

6.8 Redundancy during an Employment Break

If a job role gets identified as at risk of redundancy during an employee's employment break, the Council will follow its normal redundancy and consultation obligations.

7.0 Unpaid Leave Considerations for Employees
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7.1 For any periods of unpaid leave, resulting in a reduction in salary, employees should consider the following:

7.2 Payments/Deductions

An employee should discuss with the Payroll team, the effect that any period of unpaid leave will have on other payments/deductions made via salary. For employees in receipt of Car Loans, they must ensure that arrangements are made to continue with any monthly loan payments.

7.3 Pensions Contributions - Local Government Pension Scheme (LGPS)

The Period of unpaid leave will not count for pension purposes unless you elect to pay Additional Pension Contributions (APC's), to purchase the amount of pension lost during that period of absence. Where an employee elects to purchase an APC within 30 days of returning to work, then the cost is split between you and the employer, with the Council paying 2/3rds of the cost. If an employee elects to buy an APC after this 30 day period the full cost must be met by the employee.

Employees should contact the Pension's Service to arrange the purchase of an APC and for further information on the impacts of unpaid leave on their pension.

8.0 Compassionate Leave

8.1 Compassionate Leave – Bereavement

To support our employees at one of the most difficult times, HDC provides up to 5 days full paid compassionate leave in relation to the death of a spouse; civil partner; partner; son; daughter; parent; guardian; grandparent; sibling; or close relative.

This paid time off includes the time needed to make preparations or attend a funeral. These provisions support consistency across HDC. Managers should consider the precedent that is set by giving compassionate leave above these provisions and where this is being considered HR advice should be sought.

8.2.1 Parental bereavement leave

The right to Statutory Bereavement Leave will apply to the biological parent; adoptive parent (if the child was living with them); person who lived with the child and had responsibility for them, for at least 4 weeks before they died; 'intended parent' – due to become the legal parent through surrogacy; Partner of the child's parent, if they live with the child and child's parent in an enduring family relationship.

Parents have a right to take 2 weeks' Statutory Parental Bereavement Leave for each child who has died (under the age of 18) or who was stillborn after 24 weeks' of pregnancy.

Parental Bereavement Leave can be taken as 2 weeks together (a week being the same number of days you normally work in a week), or 2 separate weeks of leave and can be taken in any period up to 56 weeks from the date of death or stillbirth. To request Parental Bereavement leave an individual will check they meet the eligibility due to relationship to the child or baby and will discuss with their manager the dates of the leave required and will confirm for processing the date of the death or stillbirth.

8.2.2 Parental Bereavement Pay

1 week 90% of average weekly earnings and 1 week at appropriate Statutory pay rate.

8.3 Managers may approve period of Paid compassionate leave, as well as Statutory Parental Bereavement leave where necessary.

8.4 Return to work following compassionate leave

In certain circumstances an immediate full return to work may not be possible for an employee, following the death of an immediate relative – for example, when the employee’s grief is likely to impact on their ability to properly perform their role, or where new child care arrangements have to be sourced or responsibility for the care of an elderly parent has transferred to the employee. In this situation a request to work temporarily on a part-time or reduced hours basis, or alternative duties may be considered (where practicable), subject to line managers approval; and would be for an agreed maximum period of time and managed in line with flexible working/part-time working policy, as such employees would be paid only for hours they worked, and options like taking annual leave to top up pay may be considered.

8.5 Compassionate leave – Unpaid

Where paid compassionate leave is exhausted and/or not appropriate unpaid compassionate leave may be granted.

Compassionate leave required in relation to a sick or injured dependent may be accommodated by a temporary alteration of working arrangements. Where this is not possible and Time off for dependents leave is not appropriate a manager may grant a reasonable amount of unpaid leave in line with service needs.

8.6 Notification Procedures – Compassionate Leave

Managers should complete Compassionate Leave & Parental Bereavement Leave form formatted and send to transactions@huntingdonshire.gov.uk

9.0 Adverse Weather

9.1 In incidents of adverse weather employees who are able to attend work safely should do so. However, the Council does not expect any employee to put themselves at risk by travelling to work in adverse weather. Employees should telephone their manager or another appropriate manager as soon as possible if they cannot attend their normal place of work. Where possible employees should work flexibly during periods of severe weather e.g. work from home or another HDC location.

9.2 During adverse weather conditions employees should consider their means of travel and potential for shared transport. Employees should regularly check for updates and discuss any concerns with their manager. The Council will consider the needs of employees to leave early to avoid getting stranded on the way home and/or to take extra time to complete journeys.

9.3 Employees who cannot attend work, or who are unable to work from home, should take a day’s flexi leave, annual leave or unpaid leave. There is no automatic right of payment for lost time due to adverse weather conditions, however, employees who have been instructed not to attend work due to adverse weather will receive pay as normal for that day. Instruction to stay at home will follow a corporate decision.

- 9.4 Where there are increased absence levels in critical service areas, the Council may ask individuals who are able to get to work, to cover different roles or to complete additional hours in order to maintain Council services.

10.0 Jury Service

- 10.1 Jury service is a public duty that an individual is legally required to undertake. . If you are called for jury service you must tell your manager immediately. Notice from the appropriate court will summons an individual to attend as a juror.
- 10.2 The Council will provide paid time off for an employee to undertake jury service. The Court Service will reimburse an individual for travelling/subsistence expenses and other 'financial' loss, which includes loss of earnings, loss of benefits and additional childcare/dependant carer costs.
- 10.2 An employee must claim loss of earnings from the court. Once this has been completed a copy of the statement is to be provided to the Payroll department for the deduction from salary to be made. The employee may keep any travel and subsistence allowances paid by the court

11.0 Public Duties

- 11.1 The Council encourages employees to play an active part in the life of the community. However, before committing to undertake public duties an employee must seek the approval of their manager and give a clear indication of what level of commitment is likely to be required.

In accordance with the Employment Rights Act HDC defines public duties as those where an employee acts as a:

- Justice of the peace
- Member of a local authority
- Member of the police and crime panel
- Member of a relevant education body (e.g. school governor)
- Member of the General Teaching Councils for England and Wales
- Member of the Environment Agency
- Member of a relevant health body (e.g. NHS Trust or PCT)
- Member of a statutory tribunal
- Member of a board of prison visitors or a visiting committee
- Member of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad

Factors for managers to take into account when considering requests will include:

- How much time off is required for the general performance of the public duties
- Whether there would be potential benefits for the people of Huntingdonshire
- Effect of the absence and the needs of the service

- 11.2 Where an employee holds a public office or public position then they are entitled to reasonable unpaid time off during working hours up to a maximum of 16 days per year (pro rata for part time employees). Requests for time off should be made at least one week in advance and if safety or staffing levels are compromised by the leave, it may be necessary to reduce the agreed amount of time.
- 11.3 In addition HDC recognises retained Fire Fighters operation duties as a public duty. When work is commenced with a Fire Authority, the working hours should be agreed outside of HDC working time, wherever possible. In exceptional circumstances where unpaid time off is needed this is to be agree with your manager in advance. Every effort should be made to plan the hours to allow enough time to finish the fire duties before starting work, with consideration to Working time Regulations and appropriate rest breaks.

12.0 Reservists

- 12.1 Reservists are individuals who volunteer their services, in their spare time, to train to serve alongside the regular armed forces (the Territorial Army is now known as the Army reserve). A reservist is expected to meet minimum training requirements as follows:
- Weekly training (2¹/₂ hours each week during the evening)
 - Occasional training days (weekends spread through the year)
 - Continuous training period (undertaken on an annual basis over a continuous period of 15 days)
- HDC provides reservists with additional unpaid time off to undertake these training commitments up to a maximum of 16 days per leave year.
- 12.2 Mobilisation is the process of calling reservists into full-time service with the regular armed forces to undertake military operations. Mobilisation can last for several months, depending on the operation. An employee should notify their manager in case of mobilisation, as the employer's consent is required. There is no specified warning period prior to mobilisation however the reservist and the employer should generally have at least two weeks' notice. A reservist would not receive pay for the period of mobilisation.
- 12.3 Employers may seek exemption from, or deferral of, mobilisation if the loss of the employee will cause serious harm to HDC. An employee's mobilisation may result in additional costs, however, HDC can apply for financial assistance to meet these costs. The Reserve Forces (Safeguard of Employment) Act provides a mobilised reservist with the right to be re- employed by their former employer after demobilisation and provides dismissal protection for reservists.

13.0 Election Duties

- 13.1 Employees must have permission from their line manager to take time off to undertake election duties. Time off is with full pay and there is not a requirement to take annual leave for these purposes.

Appendix 1: Summary Types of leave

Type of leave	Definition	Entitlement	Paid/Unpaid
Annual Leave	As per 2.1	24/30/34 days	Paid
Bank Holidays	As per 3.0	8 days pro rata	Paid
Unpaid Leave	Where it is necessary or desirable to extend a period of absence beyond the parameters available within other policies covering paid time off work and subject to operational approval.	Up to 2 weeks	Unpaid
Time Off For Dependant	Where it is necessary to help someone who depends on them in an unexpected event or emergency.		Unpaid
Employment Break	This allows an employee time off work, which could be for a number of reasons; travelling, family commitments, volunteering or studying as examples.	Minimum 1 mth Maximum 12 mths	Unpaid
Compassionate Leave	Serious illness or bereavement of close relative, partners, dependants.	Up to 5 days	Paid
Compassionate Leave Unpaid	Compassionate leave beyond the 5 days paid leave		Unpaid
Parental Bereavement Leave	Statutory leave if a child dies before they turn 18, or if a pregnancy results in a stillbirth after 24 weeks.	2 weeks	Paid <u>Statutory Pay</u>

Employee Details			
Employee Number		Employee Name	
Post Title		Department	
Category Unpaid Leave (Please select)			
Unpaid leave		Time off for dependents	
Employment Break (1-12 months)		Other (please type in reason for unpaid leave)	
Details of Unpaid Leave			
Unpaid Leave Start Date		Unpaid Leave End Date	
Reason for Unpaid Leave			
Any other comments/notes Employee wishes to share ‘			
In submitting this form the employee, has read and understands the Leave policy and agrees that the period of leave requested, will be unpaid and deducted from the next available pay period.			
Date of application for unpaid leave			
Approval			
Manager approval	Yes / No		
If no, please provide reason for not approving			
Manager Name			
Date			

Please email this form to transactions@huntingdonshire.gov.uk

Appendix 3: HDC Paid Compassionate Leave & Parental Bereavement Leave Form



Employee Details			
Employee Number		Employee Name	
Post Title		Department	
Compassionate Leave Type (tick all that apply)			
Paid Compassionate Leave (Please complete section Paid Compassionate Leave)			
Unpaid Compassionate Leave (please complete section Unpaid Compassionate Leave)			
Paid Parental Bereavement leave (Please complete section Paid Parental Bereavement Leave)			
Relationship to deceased (tick)			
Spouse, Civil Partner, Partner		Biological, Adopted Son/Daughter. Or child of live in Partner	
Parent/guardian		Sibling	
Grandparent		Close relative	
Other			
Paid Compassionate Leave			
Dates of Compassionate Leave		Number of working days to be paid	
Unpaid Compassionate Leave			
Dates of Unpaid Compassionate leave		Number of working days to be deducted from pay	
Parental Bereavement Leave			
2 Continuous weeks	Yes/No	2 Split weeks	Yes/No
Dates of Parental Bereavement leave		Date of Childs' Death or Stillbirth	
Approval			
Manager Name		Date	

Send a completed copy of this form to transactions@huntingdonshire.gov.uk

Name of Policy	Leave Arrangement Policy
Person/posts responsible	Strategic HR Manager
Date reviewed	December 2020
Date approved	