

**Public**  
**Key Decision - No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** HR Policy Update

**Meeting/Date:** Employment Committee – 17 April 2024

**Executive Portfolio:** Cllr Lara Davenport Ray (LDR)

**Report by:** Strategic HR Manager (NB)

**Ward(s) affected:** N/A

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### Executive Summary:

As noted in the November 2022 committee meeting HR are undertaking a programme of reviewing and refreshing our current policies to ensure that they are accurate, legally compliant and reflect current practice within HDC. We are therefore bringing the next set of policies we have reviewed to you.

The policies reviewed in this period are:

- Disability at Work Policy
- Leave Arrangements Policy
- Paternity Leave Policy
- Probation Policy

Summary of the changes:

Policy	Amendments
Disability at Work Policy	Reasonable adjustments appendix 1 time off wording amended to make clearer and in line with the sickness absence policy Information on Access to work added.
Leave Arrangements Policy	Updates in line with Unpaid Carers Leave legislation Addition of birthday leave guidance Domestic Abuse reference for leave added
Paternity Leave Policy	Added front cover and version control. Changed name to Paternity Leave.  Added legal updates for 2024 and updated Paternity Leave Application form.
Probation Policy	Added front cover for version control Rep Groups Amended Action plan wording taken out so that all objective/actions can be kept on one document.

Full copies of the policies are included in the appendices for your information.

**Recommendation(s):**

The Committee is asked to consider and endorse the updated policies.

## **2.1 PURPOSE OF THE REPORT**

- 1.1 The report draws Committee attention to the revised policies and that we are seeking endorsement to use the new format.

## **2.2 WHY IS THIS REPORT NECESSARY/BACKGROUND**

- a. The main reason for these policies being updated is to ensure that we have legally compliant, up to date and in line with current processes policies that are accessible for all to use.
- b. It also ensures we have correct version control on the document to reflect any changes as we move forward.
- c. Finally, this will ensure that all policies going forward will reflect the correct employee representative groups.

## **2.3 KEY IMPACTS / RISKS**

- a. Having up to date policies that are regularly reviewed ensure that we are legally compliant and that our processes are robust by following them, reducing any risks of potential future claims.

## **2.4 WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- a. The updated policies will replace the current policies on our employment policy section of the intranet.

## **2.5 LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

*[\(See Corporate Plan\)](#)*

- a. To have an engaged and motivated workforce, as part of being a more efficient and effective council – through updated, clear employment policies.

## **2.6 CONSULTATION**

- a. Senior Leadership Team, the Employee Representative Group and UNISON have been briefed and given the opportunity to review the proposed policy changes and support them.

## **2.7 REASONS FOR THE RECOMMENDED DECISIONS**

- a. Adoption of the revised policies will ensure that HDC is legally compliant and has a clear trail of policy amendments.

## **2.8 LIST OF APPENDICES INCLUDED**

- Disability at Work Policy
- Leave Arrangements Policy
- Paternity Leave Policy
- Probation Policy

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# Disability at Work Policy

## 1.2

<b>Version Control</b>			
<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Changes</b>
1.1	Kiran Hans	March 2023	Updated to reflect what HDC currently have in place and taken out services that have changed. Added health conditions that are considered a Disability from day 1. Taken out info that is not essential to policy to streamline. Paragraph on hospital appointments are worded to make clearer and added to Appendix 1.
1.2	Kiran Hans	February 2024	Reasonable adjustments appendix 1 time off wording amended to make clearer and in line with the sickness absence policy Information on Access to work added.

Name of Policy	Disability at Work Policy
Person/posts responsible	Strategic HR Manager
Date approved/adopted	Reviewed February 2024 for Approval in April 2024
Approved by	Employment Committee
Review Date	June 2026

# Disability at Work Policy

## 1 Introduction

- 1.1 Huntingdonshire District Council (HDC) is committed to equality of opportunity. This policy sets out our commitment to ensuring people with a disability are treated equitably and with respect consistently throughout the Council.
- 1.2 HDC is required under the Equality Act 2010 to annually monitor and publish information relating to the protected characteristics and to have an action plan to ensure HDC are an equal opportunity employer.

## 2 Definition

- 2.1 The Equality Act 2010 defines a disabled person as, “someone who has a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on their ability to carry out normal day-to-day activities (long-term means that the effect of the impairment has lasted or is likely to last, for at least 12 months)”. Certain health conditions are classified as a disability from day one e.g. cancer, being certified blind, Multiple Sclerosis, or being diagnosed as HIV Positive.
- 2.2 The ability of a disabled person to carry out normal day-to-day activities can be adversely affected in one or more of the following ways:
  - a) mobility;
  - b) manual dexterity;
  - c) physical co-ordination;
  - d) ability to lift or otherwise move everyday objects;
  - e) speech, hearing or eyesight;
  - f) memory or ability to concentrate, learn or understand; or
  - g) understanding the risk of physical danger
- 2.3 It is not always obvious if someone has a disability. Generally, you will not know if a person has a "hidden" impairment, such as a heart condition or diabetes when you first meet them. Some people who do not consider themselves disabled may also be covered by the Equality Act.
- 2.4 Disability discrimination occurs, although not exclusively, when:
  - 2.4.1 a disabled person is treated less favourably than a person without a disability; or

- 2.4.2 if they are treated less favourably for a reason relating to their disability and the treatment is not justified; or
- 2.4.3 if they are treated less favourably on the basis of their association with a disabled person; or
- 2.4.4 where the employer has failed to make reasonable adjustments.

### 3 Aims

3.1 This policy aims to:

- ⇒ provide managers and employees with guidance on the reasonableness of a range of adjustments that HDC can consider to ensure employees with a disability are supported at work;
- ⇒ enable, so far as is reasonably possible, equity in access to the full range of recruitment, training and career development opportunities for all job applicants and employees in line with the Equality Act 2010;
- ⇒ ensure that there is no unfair discrimination or harassment on the grounds of disability and that access to employment and promotion in HDC is based on skills, qualifications and suitability for work; and
- ⇒ identify ways to monitor diversity and adopt targets for improvements.

### 4 Advice and Support

- 4.1 Advice, support and guidance is available from Human Resources (HR). Managers should contact HR at the earliest opportunity to consider reasonable adjustments for an employee.
- 4.2 If an employee believes they have been discriminated against for a reason relating to their disability, this should be raised immediately with a member of the HR team or their manager where appropriate. It may be appropriate to use HDC's Grievance Policy.
- 4.3 A management referral can be made via HR to the Occupational Health service, for a medical opinion and guidance as to if an employee may have a condition recognised under the Equality Act and any reasonable adjustments that could be considered.
- 4.4 HDC provides an Employee Assistance Programme that provides external professional counselling service to employees who wish to discuss work related or personal problems with professional counsellors.
- 4.5 Managers can seek Specialist advice and support on the modification of duties from the Department of Work and Pensions Access to Work Scheme. It may be possible to apply for funding to support reasonable adjustments via the scheme. This scheme is also available for employees to contact to apply for support and

potential funding. Information on how to apply for support can be found here - [Access to Work Support Information and Application](#)

## **5 Reasonable Adjustments**

- 5.1 HDC will make reasonable adjustments to working practices, equipment and premises to ensure that disabled employees are not placed at a substantial disadvantage because of their disability. Managers should liaise with Occupational Health, HR and the employee who is affected by the disability when considering reasonable adjustments (see appendix 1). HDC will look to make reasonable adjustments where practicable but will discuss with employees on a case by case basis.
- 5.2 The Equality Act places positive duties on employers to think carefully about the needs of people with a disability and failure to do so could result in legal action being taken.
- 5.3 When reviewing possible reasonable adjustments a manager should, with the support from HR, consider:
  - a) the adjustment options available;
  - b) how effective the adjustment is in preventing disadvantage;
  - c) how practical the adjustment is;
  - d) the cost of making the adjustment;
  - e) the potential disruption caused in making the adjustment;
  - f) the time, effort and resources involved in making the adjustment;
  - g) the amount of resources already spent on making other adjustments; and
  - h) the availability of financial or other help;

This is to ensure that fair and balanced decisions are made.

## **6 Facilities**

- 6.1 HDC will endeavour to ensure that all its facilities are accessible to employees with a disability by:
  - 6.1.1 ensuring, as far as reasonably possible, that the work location for HDC employees is fully accessible and will make reasonable adjustments to existing premises where possible.
  - 6.1.2 providing car parking near to the work location for blue badge holders. Where a staff member has a mobility issue in conjunction with advice from the Occupational Health service alternative options will be considered. Decisions will be reviewed regularly and where car park passes are granted these will need to be paid for by the staff member;
  - 6.1.3 compiling a Personal Employee Evacuation Plan (PEEP) for employees with a disability or impaired mobility.



## **7 Recruitment**

- 7.1 HDC aims to have a workforce which reflects the community and to ensure that disabled people have access to employment opportunities across the whole organisation ensuring inclusivity. This will be done through the Disability Confident Scheme.

## **8 Employment**

- 8.1 HDC will support employees as far as reasonably possible, whose disability worsens or who acquire an impairment during their employment with HDC.
- 8.2 Wherever possible HDC will ensure that disabled employees are able to remain in employment and maintain their existing career paths by providing reasonable adjustments or suitable alternative employment appropriate to their experience and abilities.
- 8.3 Reasonable adjustments could include changes to working hours or environment. (see Appendix 1 for examples of adjustments that could be made).

## **9 Learning and Development**

- 9.1 E Learning is provided by HDC to raise managers' and employees' awareness on the importance of equality.
- 9.2 Training and guidance is available to managers from the HR Team on managing sickness absence, which includes the process for making reasonable adjustments to the role and workplace for disabled employees.
- 9.3 Equality impact assessments are to be carried out on all policies to ensure they are inclusive.

## **10 Engagement/Support Services**

- 10.1 HDC promotes equality by engaging and understanding the needs, aspirations and priorities of people with a disability. It will therefore:
- 10.1.1 ensure people with a disability have the opportunity to discuss any issues relating to their work, which are affected by their impairment through their manager, HR and/or, Employee Representatives Group,
  - 10.1.2 provide an Adjustment Passport which is designed to support employees in the work place, where they have a disability, health condition or need temporary adjustments to enable them to carry out

their role. The document is designed to facilitate conversations between employees and their line manager to capture the adjustments agreed. The passport is owned by employees and is optional to use and share with managers if this would be helpful (see Appendix 2 and 3)

- 10.1.3 offer support services through Mental Health First Aiders, Employee Assistance Programme and Occupational Health;

## **11 Responsibilities**

- 11.1 All employees are responsible for complying with this policy and ensuring everyone is treated equitably.
- 11.2 The employee has a responsibility to inform the organisation if they have a disability, especially where this may affect their day to day work activities. This can be done through their manager, iTrent and/or HR. Where the manager becomes aware that the employee has a disability, they should encourage the individual to update their HR record to reflect this and discuss any adjustments and impact on their role. Where an employee has a health condition that impacts on their day to day activities and you are unsure whether this falls under the definition of the Equality Act for a Disability, please contact a member of the HR Team.
- 11.3 If an employee is believed to have committed an act of discrimination, they will be investigated under the Disciplinary Policy and Procedure and this may be treated as gross misconduct.

## Reasonable Adjustments

There are a number of reasonable adjustments that can be made to support people with a disability to ensure they receive equality of opportunity in every aspect of their pre and post employment dealings with HDC. Reasonable adjustments could include:

- making adjustment to premises;
- allocating some of the disabled person's duties to another person;
- altering hours of work;
- specific training;
- providing a reader or interpreter;
- providing regular one to one;
- agreeing to a different place of work;
- acquiring or modifying equipment;
- transferring the person to fill an existing vacancy;

### 1 Examples of reasonable adjustments

- 1.1 Changing the working hours, pattern, working from home or an alternative base. This may include facilitating flexible hours to enable additional breaks to overcome fatigue or accommodating the hours to fit in with the availability of a carer or driver;
- 1.2 Considering all elements of the role and looking at alternative ways that the role could be done. For example transferring the duties to another person or reviewing the core elements of the role;
- 1.3 Organising a phased return to the role with Occupational Health to rebuild confidence and ensure the reasonable adjustments that have been put in place are effective;
- 1.4 Providing a programme on HDC computers, which can assist in altering the size of the Font, the way the document is viewed to magnify it, vary the colour of the screen and colour of the arrow;
- 1.5 Providing voice activated software and electronic palm held devices that can be used away from the computer and converted into word;
- 1.6 Acquiring or modifying equipment including electronic or specialist aids and adaptations, for example, providing a specially adapted keyboard for a visually impaired employee or someone with arthritis;

- 1.7 All sickness absence will be monitored, however it maybe appropriate to adjust sickness triggers in relation to disability related absences specifically (this will not preclude an employee from the sickness absence stages process).
- 1.8 Reasonable time away from work to attend medical appointments related to a disability are to be agreed in advance with your manager. Where an employee is off work i.e absence (sickness, maternity) e time, for the appointments can not be reclaimed. Time required to travel to and from appointments should usually be taken as part of the employees own time i.e use of flexi time

Any reasonable adjustments need to take in to account the points outlined in 5.3, which include the cost of the reasonable adjustment to the organisation. This may also require discussions with the budget holder and looking at comparators from other areas of HDC.

## Appendix 2

### Adjustment Passport

The Adjustment Passport is designed to facilitate conversations around support in the workplace, and to document adjustments agreed between an employee and their line manager. For further guidance around completing the form please refer to the Adjustment Passport guidance document which can be found on SharePoint.

<b>Employee Name:</b>	
<b>Name of Line Manager:</b>	
<b>Business Unit and Department:</b>	
<b>Date of Initial Completion:</b>	
<b>Date of last review:</b>	

### Section A: To be completed by the employee

Please use these questions to help you to think about what supports your health at work and what adjustments would be helpful. This tool is to capture adjustments for any health condition, physical and/or mental (please note that you do not require a medical diagnosis in order to implement an Adjustment Passport).

#### Description of your health condition(s), disability or impairment

Please provide a brief description of your health condition(s), disability or impairment. Things to consider:

- On a 'good day' what impact does this have on your working day?
- On a 'not so good day' what impact does this have on your working day?

For example, impacted coordination, dexterity or mobility, effect on hearing, speech or visual impairment, impacted ability to focus or ability to interact with colleagues

#### Staying well at work

Please reflect and provide details on the following:

- What helps you to stay well at work? (For example a full lunch break, keeping a clear to-do/priorities list)
- What can your manager do to support you to stay healthy at work? (For example regular feedback and supervision, providing clear written instructions)
- Are there any situations at work that can negatively impact your health? (For example, movement between meeting rooms, being put on the spot, conflict at work, organisational change)

**If you become unwell at work**

**(Please ensure that your emergency contact details are up to date)**

- What steps can you take if you start to feel unwell at work? For example, take a break and go for a short walk, make use of the onsite quiet space/wellbeing room, ask manager for support (if your manager is unavailable what process will you follow?)
- How would you, your manager, or people around you notice that you are not well enough to be at work or that you need to adjust your tasks? What action should your colleagues/manager take? For example, talk to you discreetly about it, contact someone that you have asked to be contacted, contact a Mental health First Aider.
- Is there information about your condition which you would like to share with the team?

**Is there anything else you feel would be useful to discuss and record? If a PEEP (personal emergency evacuation plan) is required then please follow the PEEP guidance available on SharePoint [here](#)**

**If your condition may result in you taking time off work what would your 'keep in touch' preferences be during periods of sickness absence?**

- For example, being contacted via email vs being contacted by phone, the frequency of contact during a period of sickness absence.

### **Huntingdonshire District Council Adjustment Passport Guidelines**

An Adjustment Passport is a living record of adjustments agreed between an employee and their line manager. Some organisations refer to these as 'Plans' or 'Agreements'.

The purpose of this living record is to:

- Ensure that the employee and line manager have a record of what has been agreed.
- Provide employees and their line managers with a structure to use when regularly reviewing and updating information about workplace adjustments.
- Act as a starting point for discussion when an employee changes jobs, is relocated, or assigned a new manager within the organisation.
- Plan for when an employee is unwell and needs additional support because of their disability or condition. This particularly applies to employees with fluctuating or progressive conditions.

The term 'Passport' suggests that all adjustments are portable and are automatically transferred across to an employee's new role without the need for discussion. In reality, not every team in the organisation works in the same way and an employee may require different adjustments to carry out a new role. It may also be beneficial for a new manager to discuss the adjustment passport with the employee, to help them gain a better understanding of how they can best support the individual.

#### **A living record**

The key purpose of an Adjustment Passport is to be a living record. This means that the plan should be reviewed and updated regularly as appropriate and with the agreement of the employee and their line manager:

- At any regular one-to-one meeting.
- At a return-to-work meeting following a period of sickness absence.
- Before a change of job or duties or introduction of new technology or ways of working.
- Before or after any change in circumstances for either the organisation or the employee e.g. a change to working location or after a period of time in a new role or working with a new manager.

The employee should inform the line manager if there are changes to their condition which have an effect on their work and/or if the agreed adjustments are not working. They should then meet privately to discuss any further reasonable adjustments or changes that should be made.

If the line manager notices a change in the employee's performance at work or feels these adjustments are not working, the employee and the line manager should meet to discuss alternatives.

An up-to-date copy of Adjustment Passport will be retained by employee who will share this with their line manager.

A copy of this form may also be given to a new or prospective line manager with the prior consent of the employee.

### **Use of Adjustment Passport**

An Adjustments Passport is a really useful tool when used correctly. To be most effective, an Adjustment Passport should be:

- Introduced into the discussion about adjustments early on.
- Owned by the employee and shared only with their consent.
- Supported by the line manager.
- Viewed as a living document, which is regularly reviewed and updated.
- Seen as a tool to support positive discussion around adjustments.

### **Notes for managers**

An Adjustment Passport allows managers to:

- Understand how a particular employee's disability or condition affects them at work.
- Explain the needs of the business or organisation.
- Explain the organisation's sickness absence and attendance policy.
- Recognise signs that an employee might be unwell and know what the employee wants you to do in these circumstances – including who to contact for help.
- Know how and when to stay in touch if the employee is off sick.
- Consider whether the employee needs to be referred for an assessment by an occupational health or another adviser to help both parties understand what adjustments could be effective.
- Review the effectiveness of the adjustments already agreed.
- Explain any change in the employer's circumstances.

The plan should be regularly reviewed and updated. Remember, however, that expert advice from third parties (such as occupational health advisers or Access to Work) may be needed before changes can be agreed and implemented.

### **Notes for employees**

An Adjustment Passport allows employees to:

- Explain the impact of a disability or condition at work.
- Suggest adjustments that will make it easier for the employee to do their job.
- Supporting discussion around occupational health or Access to Work.
- Review the effectiveness of the adjustments agreed.
- Explain any change in the employee's circumstances.
- Be reassured that the manager knows what to do if the employee becomes unwell at work and who to contact if necessary.



- Know how and when the line manager will keep in touch if the employee is absent from work because of illness or a disability-related reason.

## Leave Arrangements Policy

### 1.2

<b>Version Control</b>			
<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Changes</b>
1.1	Kiran Hans	28/04/13	Version control front page added Typos amended New link added to annual leave calculator
1.2	Kiran Hans	07/02/2024	Updates in line with Unpaid Carers Leave legislation Addition of birthday leave guidance Domestic Abuse reference for leave added

Name of Policy	Leave Arrangements Policy
Person/posts responsible	Strategic HR Manager
Date approved/adopted	Reviewed in March 2024 for approval at April 2024 Employment Committee
Approved by	Employment Committee
Review Date	April 2026

# Leave Arrangement Policy

## 1.0 Policy Statement

- 1.1 HDC recognises the importance of employee wellbeing and that employees need to balance their home and work life. To assist with this, HDC 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 (including Birthday Leave Day)
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, HDC expects employees and managers to be accountable for their individuals' responsibilities under this policy, and through respect for each other the provision of leave can be managed fairly, taking into account individual circumstances and organisational needs.

## 2.0 Annual Leave

### 2 Annual leave entitlements

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

	<b>Length of service</b>	<b>Annual leave entitlement, full time equivalent – days/ hours leave per year</b>
<b>Employees up to Corporate Directors/Managing Director</b>	Less than 5 years local government continuous service	24 days (177.6 hours)
	Entitlement to annual leave will increase on the 5 <sup>th</sup> anniversary of an employee's start date (pro rata)	30 days (222 hours)
<b>Managing Director and Corporate Directors</b>		34 days (251.6 hours)

- 2.1 The annual leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March.
- 2.2 Annual leave in the HR system will 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 whose standard FTE is greater than the council norm and is calculated on 8.8 hours.
- 2.3 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
- 2.4 The annual leave calculator is available on the HR page or by clicking the link below: [Annual Leave Calculator](#).

## 2.5 **Birthday leave**

Employees are entitled to a day's leave for their birthday (pro rata for part time employees). The day can be taken on their birthday, or a designated day usually within a month either side of their birthday. Birthday leave is not to be paid and only to be carried forward in to the next leave year in exceptional circumstances.

Where an employee is on sick leave or maternity leave, the birthday day can be taken within two months of returning back to work or tagged on to the end of maternity leave.

For new starters birthday leave will be given where the birthday occurs after the start date (and will not be backdated if the birthday was prior to commencement of employment). If an employee leaves HDC's employment prior to their birthday, the birthday leave will not apply

When booking the leave on iTrent, this is to be done by selecting the separate option i.e birthday leave.

## 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 Leave for term-time only employees

Employees working term-time only are entitled to leave within usual school holiday time. Because full allowance has been made for the leave entitlement (and all statutory and non-statutory holidays) in the formula for the calculation of their salary, leave may not be taken during term time. If, exceptionally, special leave is granted during term time it will be without pay.

## 2.8 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, e.g. 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.

## 2.9 Carrying over annual leave

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All annual leave should be taken within the leave year. Managers should encourage all employees to take their entitlement to leave within the current leave year therefore avoiding the need to carry over leave. However, in exceptional circumstances, e.g. needs of the service, a manager may authorise in advance the carry forward of maximum of 5 days' annual leave (pro rata for part time employees) into the next annual leave year.

Manager should send confirmation of the employee name and amount of leave agreed to be carried over to [Humanresources@huntingdonshire.gov.uk](mailto:Humanresources@huntingdonshire.gov.uk) by the end of the holiday year. Carry over will be applied in the HR system as soon as possible, but by end of April at latest.

In circumstances when an employee has been on long term sick and has been

unable to use their annual leave for that year, annual leave shall be accrued and carried over to the next leave year if applicable.

## 2.10 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 their final salary and if employees have taken holiday in excess of their 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.

Leave will be calculated in the HR system for leavers, where the system has an accurate work pattern and the system has been used to book and take holiday. If a local system is used, it is the managers responsibility to calculate the accrued leave and provide accurate information to payroll on remaining or overtaken holiday for final pay period.

## 2.11 Buying Annual leave

The option to buy additional Annual Leave is open to all employees (subject to earnings levels and will be subject to manager approval) with consideration to business needs. There is no requirement for employees to participate in the scheme and buying

annual leave is not an automatic right – by applying for this, employees are agreeing to the amount to be deducted from their net pay.

A maximum of 5 days can be requested to be bought, pro rata'd for part time individuals and pro rata'd for fixed term contracts to match the duration of the contract end. E.g. if 6 months of the new leave year is left on fixed term contract, half the amount of leave a permanent employee can request who will work the full year, e.g. 2.5 days if full time. If the contract is extended this will not affect the payment arrangement i.e. the final payment date will remain as their original contract end date.

The option to buy additional annual leave, will be open to employees to request only once a year, and in advance of the leave year. All leave including purchased annual leave must be used within the leave year, there will be no option to sell back; and there will be no guarantee that additional leave can be carried over. Further requests to book and take the bought annual leave are in line with normal policies, and subject to manager approval.

**All applications will be assessed on its merits; manager should give consideration to (but not limited to):**

Role of individual and how easy to allow additional leave,

Where any required backfill would be impractical

Amount of leave requesting to buy  
Impacts on customer, colleagues, team, budgets, service delivery  
Amount of leave individual already has  
Number of other applications within the service to buy leave  
The reasons behind applications request for additional leave – e.g. extended family holiday  
If they are already allowing to carry over leave

The buying of annual leave will be considered prior to the start of the leave year; the window to buy leave will be open to all staff annually around February and shared through staff communications. Employees should complete the buying annual leave form and email or share with their manager by the deadline. Manager should consider their teams applications together; Managers should feedback their decision and share all approvals with HR.

All requests to buy leave will be given full consideration by Managers. Managers may decline, approve or partially approve – e.g. Manager may feel they can accommodate 2 days' but not more.

Where it is not possible to accommodate the request, a response detailing why the application has not been successful will be provided by the line manager. Advice can be sought from HR where rejection is being considered.

The approved additional holiday will be added to the HR system by the HR team, as Adjusted holiday (reason bought leave) by end of April at the latest.

The buying of annual leave will be considered a Salary Sacrifice and may affect pension benefit. Payroll will take deductions for bought leave directly from pay as 1/12<sup>th</sup> of the cost of annual leave, commencing in the April payroll, through to March.

By law employees cannot enter into a salary sacrifice arrangement where this will take their gross salary below the national minimum wage – Payroll will check that employees are not entering into an arrangement that will take them below national minimum wage'. If the deduction for additional annual leave results in the employees salary falling below the National Minimum Wage or below the Lower Earnings Limit for National Insurance purposes then the request will be declined, even if their manager approves this. If employees are unsure about their circumstances, please check with HR or Payroll before applying.

In the situation that an employee is absent from work for a period of time and their salary reduces deductions will continue to be taken as long as the employee's income allows this. In the event that payments are suspended due to the employees income reducing or ceasing, payments will resume when the employee returns to work or deducted from their final salary where appropriate (therefore the term of repayments could run in to the next leave year).

The Cost of Annual leave will be calculated as at the time of application and will not change if there are changes to the individuals salary to go either up

or down in the period deductions are taken.

Salary sacrifice for holiday purchase will affect pension benefits, and it would be the employees choice to top this back up, this includes staff on maternity and sick pay.

Individuals who leave employment during the leave year - Where an employee leaves part way through the leave year, their annual leave allowance will be calculated on a pro-rata basis up until their last employed day, plus any additional bought leave. Any debit in the amount of leave taken or balance of monies to be repaid in respect of days bought will be recovered automatically from the employee's final pay. Any outstanding leave should normally be taken in the notice period.

## 2.12 Selling Annual

### Leave Eligibility

#### Criteria:

- This will be limited to employees who work in roles that require a backfill when leave is taken – such as Operations or roles on a rota, including Leisure.
- It applies to employees who have contracted hours, so will not apply to Variable staff.
- It does not apply to fixed term employees whose contract is due to finish within the leave period and selling of leave may reduce entitlement lower than the working time regulations.
- These roles do not qualify for flexi leave

As with buying leave, there is no requirement for employees to participate in the scheme, but employees must meet eligibility criteria set out above if they wish to consider selling annual leave back to HDC.

To comply with working time regulations, those employees with less than 5 years Local government continuous service (holiday entitlement of 24 days – 177.6 hours) will only be permitted to sell up to 4 days leave (pro rata'd for part time staff); and those employees with more than 5 years service (30 days 222 hours of entitlement) are permitted to sell up to 5 days.

The option to sell annual leave, will be open to eligible employees to request only once a year, and in advance of the leave year.

#### **All applications will be assessed on its merits; manager should give consideration to (but not limited to):**

Role of individual and whether meets the eligibility criteria  
Impact on budgets and if service can afford  
Amount of leave requesting to sell

The selling of annual leave will be considered prior to the start of the leave year; The window to sell leave will be open to eligible staff annually in February and shared through staff communications. Employees should complete the selling



annual leave form and email or share with their manager by the deadline. Managers should consider their teams applications together and they have until end of March to consider. Managers should feedback their decision and share all approvals with HR.

All requests to sell leave will be given full consideration by managers. Managers may decline, approve or partially approve – e.g. manager may feel they can accommodate 2 days' but not more.

Where it is not possible to accommodate the request, a response detailing why the application has not been successful will be provided by the line manager. Advice can be sought from HR where rejection is being considered.

The approved sold holiday will be added to the HR system by the HR team, as negative Adjusted holiday (reason sold leave) by end of April at the latest.

Payroll will make payments for sold leave directly from pay as 1/12<sup>th</sup> of the cost of annual leave, commencing in the April payroll, through to March. This ensures that leave not yet accrued is not sold, should the employee leave. The payment for annual leave sold is income and therefore subject to the appropriate income tax and NI deductions.

The Cost of Annual leave will be calculated as at the time of application and will not change if there are changes to the individuals salary to go either up or down in the period deductions are taken.

Pension contributions will remain unchanged as both the employer and employee contributions will continue to be made on normal pay i.e. prior to the deduction for sold leave being made.

Individuals who leave employment during the leave year - Where an employee leaves part way through the leave year, their annual leave allowance will be calculated on a pro rata basis up until their last day of employment on their adjusted leave (e.g. 177.6 hours, sold 28 hours, leave calculated on 149.6 hours balance). Any debit in the amount of leave taken will be recovered automatically from the employee's final pay. Any outstanding leave should normally be taken in the notice period but will be paid if untaken by leave date.

### **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, on those occasions the HR system will be updated to reflect any additional bank holidays.)
- 3.2 Bank Holiday entitlement will be allocated within the HR system at the beginning of the leave year (Part time employees, or on a flexible working pattern will have a pro rata bank holiday allowance – based on contractual working hours) and bank holidays that fall on working patterns will be deducted from entitlement based on working hours for that day. Which means staff that work part time and on Monday's may find they take more leave for bank holidays than they are allocated and this is accounted for in their annual leave balance at the start of the year.

If individuals work a bank holiday, the system will automatically deduct this leave, and this may need adjusting, managers should send an email to [Humanresources@huntingdonshire.gov.uk](mailto:Humanresources@huntingdonshire.gov.uk) confirming the name of employee and hours and date they worked a bank holiday and the HR team will add an adjustment to the holiday entitlement, which effectively adds the hours back into their holiday entitlement to book.

#### **4.0 Types of Unpaid and Compassionate**

- 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)
  - Compassionate Leave, Bereavement and Serious Illness
  - Unpaid Compassionate Leave
  - Unpaid Carer's Leave (statutory right, up to 1 week)
  - Unless otherwise stated, employees are eligible to apply for any of the above types of leave from the first day of employment

#### **5.0 Unpaid Leave**

- 5.1 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.

- 5.2 **Notification – requesting and approving short periods of Unpaid leave**  
Employees should submit unpaid leave requests in writing to their managers via Appendix 2: HDC Employee Unpaid Leave Form. Managers should add this unpaid absence in MSS and send the approved requests by email to [HumanResources@huntingdonshire.gov.uk](mailto:HumanResources@huntingdonshire.gov.uk) as soon as they can and at least by the payroll deadline of the month to avoid under or over payments.

- 5.3 For any periods of unpaid leave, resulting in a reduction in salary, employees should consider the following:

##### **5.3.1 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.

##### **5.3.2 Pensions Contributions - Local Government Pension Scheme (LGPS)**

The period of unpaid leave will not count for pension purposes unless employee select 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 employees 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.

## 6.0 Time Off for Dependants (emergency leave)

- 6.1 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.
- 6.2 A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on them for care.
- 6.3 There is no set amount of time for 'time off for dependents' each request will be considered on the situation. Employees should tell their manager as soon as possible how much time they will need.
- 6.4 **Time off for dependents is for emergency situations only**, where employees 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, Carer's Leave or compassionate leave (below).

If an employee is a parent, they can take up to 18 weeks' leave to look after their child, please see the Parental Leave Policy.

### 6.5 Notification – requesting and approving Time off for Dependents

Employees should submit requests in writing to their managers via 'Appendix 2: HDC Employee Unpaid Leave Form' Managers should add this unpaid absence in MSS and send approved requests by email to [Humanresources@huntingdonshire.gov.uk](mailto:Humanresources@huntingdonshire.gov.uk) as soon as they can and at least by the payroll deadline of the month to avoid under or over payments.

## 7.0 Employment Breaks/Sabbaticals

- 7.1 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.

## 7.2 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.

## 7.3 Requesting & approving Employment Break:

Employees must put their request in writing to their manager using the 'Unpaid Leave form'; 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 Appendix 2: HDC Employee Unpaid Leave Form by email to [Humanresources@huntingdonshire.gov.uk](mailto:Humanresources@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.

## 7.4 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.

## 7.5 Contractual Rights during an Employment Break

Employment breaks are unpaid. An employee's salary scale point, 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:

7.5.1 Employees cannot take up paid employment with another organisation without prior agreement from a manager.

7.5.2 Employees 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.

- 7.5.3 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.
- 7.5.4 The employees notice period to terminate employment.
- 7.5.5 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.

#### 7.6 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.

#### 7.7 Right to return following an Employment Break

At the end of an employment break an 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, they 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, they will be considered to be absent without leave (AWOL) and this will be dealt according to the relevant policy.

#### 7.8 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.

### **8.0 Compassionate Leave**

#### 8.1 **Compassionate Leave**

To support our employees at one of the most difficult times , HDC provides up to

5 days in total (pro rata) in a 12 month rolling period, paid compassionate leave where it is required in relation to the death or serious illness of a spouse; civil partner; partner; son; daughter; parent; guardian; grandparent; sibling; or close relative. This will also be applied in cases of Domestic Abuse where emergency leave is required.

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.

### **8.1.2 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 that are 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.

### **8.2.1 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. Managers should add this leave in MSS.

### **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 childcare 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, 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 add the compassionate leave absence in MSS (no form is required)

### **9.0 Carer's Leave**

Employees are entitled to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

The dependant does not have to be a family member, it can be anyone who relies on them for care.

Employees can take up to one week of leave every 12 months (pro rata). A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

It is preferable to have the request in writing and this can be done using the 'Unpaid Parental/Carer's Leave form', appendix 3.

Employees need to give notice before they want their leave to start, if the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days. The notice period needs to be in full days, even if the request includes half day amounts.

Carers leave will not be refused but employees may be asked to take it at a different time. This can only be asked if the employees absence will cause serious disruption to HDC. Where employees are asked to delay it, the line manager will:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to employees within 7 days of the original request, and before the requested start date of the leave

## **10.0 Adverse Weather**

10.1 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.

10.2 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.

10.3 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.

10.4 If 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.

## **11.0 Jury Service**

10.1 Jury service is a public duty that an individual is legally required to undertake. If an employee is called for jury service, they must tell their 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.

10.3 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.

## **12.0 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 On-Call Firefighters operational duties as a public duty. When work is commenced with a Fire Service, 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 agreed with the line 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.

## **13.0 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 (2<sup>1</sup>/<sub>2</sub> 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.

#### **14.0 Election Duties**

- 14.1 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 it is subject to operational approval.	Up to 2 weeks	Unpaid
Time Off For Dependents	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 month Maximum 12 months	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 1 week 90% 1 week statutory pay
Carers's Leave	Statutory leave to arrange care for a 'dependent'	1 week in 12 months	Unpaid

**Appendix 2: HDC Employee Unpaid Leave Form**

<b>Employee Details</b>			
<b>Employee Number</b>		<b>Employee Name</b>	
<b>Post Title</b>		<b>Department</b>	
<b>Category Unpaid Leave (Please select)</b>			
<b>Unpaid leave</b>		<b>Time off for dependents</b>	
<b>Employment Break (1-12 months)</b>		<b>Other (please type in reason for unpaid leave)</b>	
<b>Details of Unpaid Leave</b>			
<b>Unpaid Leave Start Date</b>		<b>Unpaid Leave End Date</b>	
<b>Reason for Unpaid Leave</b>			
<b>Any other comments/notes Employee wishes to share ‘</b>			
<p><b>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.</b></p>			
<b>Date of application for unpaid leave</b>		<b>Employee Signature</b>	
<b>Approval</b>			
<b>Manager approval</b>	<b>Yes / No</b>		
<b>If no, please provide reason for not approving</b>			
<b>Manager Name</b>		<b>Date</b>	

Please email this form to [humanresources@huntingdonshire.gov.uk](mailto:humanresources@huntingdonshire.gov.uk)

**Appendix 3: HDC Employee Application for Unpaid Carer's Leave**

<b>Employee Details</b>			
<b>Employee Number</b>		<b>Employee Name</b>	
<b>Post Title</b>		<b>Department</b>	
<b>Unpaid Leave Start Date</b>			
		<b>Unpaid Leave End Date</b>	
<b>Total amount of days/weeks taken:</b>			
<b>Relationship to dependent:</b>			
<p><b>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.</b></p>			
<b>Date of application for unpaid leave</b>		<b>Employee Signature</b>	
<b>Approval</b>			
<b>Manager approval</b>	<b>Yes / No</b>		
<b>If no, please provide reason postponing leave</b>			
<b>Dates when postponed leave may be taken</b>			
<b>Manager Name</b>		<b>Date</b>	

Please email this form to [humanresources@huntingdonshire.gov.uk](mailto:humanresources@huntingdonshire.gov.uk)

**Appendix 4: Application to buy/sell Annual Leave for the Period 01 April to 31 March**

The Line Manager should return this form by the **28 February 20xx** to [humanresources@huntingdonshire.gov.uk](mailto:humanresources@huntingdonshire.gov.uk) so that arrangements can be in place (e.g. for deduction or payments over the coming financial year to be made).

Employee Part: Employee to complete first part of the application and share with manager for consideration	
Employee Name	
Employee/Payroll Number	
Job Title	
Service	
Name of Line Manager	
I have discussed this with my manager and I wish to buy an additional <b>xxx</b> days/hours annual leave	<input type="checkbox"/> I understand that this will be a salary sacrifice scheme and therefore by law that my gross pay (after the deduction for holiday bought must be greater than the national minimum wage). I agree that appropriate deductions are made from my salary. I agree that, should I leave HDC before 31st March any outstanding amounts owed in respect of this leave will be deducted from my final salary payment.
I have discussed this with my manager and checked I'm eligible and I wish to sell <b>xxx</b> days/hours annual leave	<input type="checkbox"/> I understand that the payment will be made as 1/11 <sup>th</sup> payments in my payroll and will be subject to income tax and NI deductions.
I understand it is my responsibility in applying to buy or sell leave: <ul style="list-style-type: none"> <li>• To read and understand the policy</li> <li>• To consider the impact that buying or selling leave may have on my own finances, including tax liabilities, tax credits etc</li> <li>• to consider the impact of reducing or increasing my annual leave entitlement on my ability to take leave during the leave year.</li> </ul>	<input type="checkbox"/> I have read and agree with each of the responsibilities.
Employee Print Name	

Employee Sign Name (if submitting electronically, use E-signature or print name and email)	
Dated:	

Line Manager part:	
I've considered the request to buy or sell leave in line with the policy and the outcome of my decision is:	<input type="checkbox"/> Approve Full number of days requested to buy or sell <input type="checkbox"/> Approved partial number of days requested to buy or sell. Insert new number of days approved: <input type="checkbox"/> Decline days requested to buy or sell. Reason for rejection is:
	Where my decision is to reject either the full request or part of the request I have provided this feedback to the individual direct. <input type="checkbox"/>
Manager Name	
Date:	

Please send to [Humanresources@huntingdonshire.gov.uk](mailto:Humanresources@huntingdonshire.gov.uk)

**Paternity Leave Policy**

**Version 1.1**

<b><u>Version Control</u></b>			
<b><u>Version</u></b>	<b><u>Author</u></b>	<b><u>Date</u></b>	<b><u>Changes</u></b>
1.1	Kiran Hans	March 2024	Added front cover and version control. Changed name to Paternity Leave.  Added legal updates for 2024 and updated Paternity Leave Application form.

Name of Policy	Paternity Leave Policy
Person/posts responsible	Strategic HR Manager
Date approved/adopted	Reviewed March 2024 for Approval in April 2024
Approved by	Employment Committee
Review Date	June 2026



## Paternity Leave

### 1.0 Introduction

The Council grants Paternity Leave to a member of staff whose partner is pregnant or who plans to adopt a baby.

#### 1.1 Who is Eligible for the Leave?

All staff employed by Huntingdonshire District Council are entitled to a block of 5 days Paternity Leave payable at 90% of weekly wage (including Statutory Paternity Pay (SPP) if applicable).

You can take unpaid leave to accompany a partner to 2 antenatal appointments if you meet any of the following criteria:

- the baby's father
- the husband or partner of the mother (or adopter) - this includes same-sex partners
- in a long-term relationship with the expectant mother
- the child's adopter
- the intended parent (if you're having a baby through a surrogacy arrangement)

You cannot get Paternity Pay and time off for appointments Leave if you've already taken the time off through the Adoption Leave Policy.

All staff who have been employed within Local Government for a period of not less than 26 weeks ending with the week immediately preceding the 14<sup>th</sup> week before the expected week of the child's birth are eligible to a block of 10 days Paternity Leave which includes 5 days payable at 90% of weekly wage (including SPP if applicable) plus 5 days payable at SPP (the entitlement is the same if you are having more than one child e.g. twins).

#### 1.2 When can leave be taken?

Partners can choose to split their leave and pay into two non-consecutive periods of leave of a week each, it is up to you whether you wish to take one or two weeks leave. Leave cannot start before the child has been born and partners will be able to take their leave and pay at any time during the first 52 weeks of the birth or the placement of the child for adoption.

### **1.3 Requesting Leave**

It is recognised that in many cases it will be difficult to predict exactly when the leave is required, but staff wishing to take Paternity Leave should inform their line manager as soon as possible of the likely dates of their absence. Applications for leave should be made at least 15 weeks before the expected date of childbirth or adoption, however, employees will only need to give 28 days' notice of the dates they wish to take. You will need to complete a Paternity Leave application form.

You are also able to take annual or flexi leave from your entitlement and have the option to take unpaid parental leave or Shared Parental Leave, details are available from the Human Resources Team.

The notice requirement for claiming SPP is 28 days before the expected date of childbirth or adoption, or if this is not reasonably practicable, as soon as possible.

### **1.4 Time off for Antenatal appointments**

You can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments. You can take up to 6 and a half hours per appointment, where additional time is required please speak to your manager. There is no minimum length of service required to take time off for Antenatal appointments for employees.

You should make your manager aware as soon as possible of any antenatal appointments. Where possible, a minimum of two weeks notice should be given except in exceptional circumstances.

Evidence of the appointment is not a requirement, however the unpaid leave form will need to be completed giving dates and times of appointment.

### **1.5 Premature births**

If your child is born prematurely, Paternity Leave can be taken at any point between the actual date of birth and 52 weeks following the birth. You would still qualify for Paternity Leave and Pay even if you have not been continuously employed by HDC for 26 weeks when the child is born, provided that you would have had the relevant length of service by the Expected Qualifying Week.

### **1.6 Miscarriage, stillbirths or loss**

You will be entitled to Paternity Leave and Pay if a child was miscarried or stillborn after 24 weeks of pregnancy, or later died. If a miscarriage or stillbirth occurs before the end of the 24 weeks of pregnancy, you will not be entitled to Paternity Leave or SPP.

## **2.0 Notification for Paternity Leave and Pay**

In order to request Paternity Leave, an indicative date of leave should be given 28 days prior to the due date, in line with section 1.3 by completing the Paternity Leave application form.

You may choose to begin this period of leave on:

- The date on which the baby is born (This is a movable day)
- A predetermined date - this date must be later than the first day of the expected week of birth. If you have chosen a predetermined date and the baby is not born on or before that date, you must change your choice to another later predetermined date or you can choose to take leave from the actual date of birth or a specified number of days after the date of birth.

**Appendix 1: HDC Paternity Leave Application Form**

Please complete this form, ask your manager to sign it and return it to [Human.resources@huntingdonshire.gov.uk](mailto:Human.resources@huntingdonshire.gov.uk) at least 28 days before the intended start of the Paternity Leave.

<b>Employee Details</b>			
<b>Employee Number</b>		<b>Employee Name</b>	
<b>Post Title</b>		<b>Department</b>	
<b>Baby Due Date:</b>			
To take the leave as one block please complete below (First week is paid at 90% of salary and second week is paid at Statutory Paternity Pay (SPP):			
<b>Paternity Leave Start Date</b>		<b>Paternity Leave End Date</b>	
To take the leave as two blocks please complete below (First week is paid at 90% of salary and second week is paid at Statutory Paternity Pay (SPP):			
<b>Week 1 - Paternity Leave Start Date</b>		<b>Paternity Leave End Date</b>	
<b>Week 2 - Paternity Leave Start Date</b>		<b>Paternity Leave End Date</b>	
<b>Relationship to dependent:</b>			
<b>Continuous Service Date:</b>			
Under 26 weeks service <input type="checkbox"/>		Over 26 weeks service <input type="checkbox"/>	
<b>Confirmation/Acknowledgment (In submitting this form the employee, has read and understands the Paternity Leave policy and the rates at which this will be paid):</b>			
<b>Employee Signature</b>		<b>Date of application</b>	
<b>Manager Name</b>			
		<b>Date</b>	

## Probation Policy

### Version 1.1

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1.1	Nicki Bane	March 2024	Added front cover for version control Rep Groups Amended Action plan wording taken out so that all objective/actions can be kept on one document.

Name of Policy:	Probation Policy
Person/posts responsible:	Strategic HR Manager
Date approved/adopted:	April 2024
Approved by:	Employment Committee
Review Date:	June 2026

## PROBATION POLICY

### 1. Policy Statement

- 1.1 This policy provides a framework to enable managers to monitor and support the progress of new starters in the initial stages of their appointment and to deal promptly and fairly with any apparent shortcomings in a probationers' work performance or conduct in accordance with the procedure outlined below.
- 1.2 The policy sets out the responsibilities of managers and employees during the probation period and outlines the process to be followed. The policy is not a substitute for a thorough selection procedure, every effort should be made at recruitment stage to ensure the right candidate is appointed.

### 2. Employees covered by this Policy

- 2.1 All new employees to Huntingdonshire District Council will go through a probationary period upon appointment. Existing employees who transfer from other jobs within the Council do not have a formal probationary period. However, they should still have a full induction to make sure they are able to achieve acceptable standards of conduct and work performance.
- 2.2 The length of the probationary period is 6 months for all employees, except those as stated in 2.3.
- 2.3 Employees on fixed term contracts are also covered by this policy, however, the length of probation period may be reduced in line with the length of contract i.e. a 6 month contract could have a 3 month probation period - please contact the HR team for further advice.

### 3. Principles of Policy

- 3.1 All issues with sickness absence, work performance or misconduct for new HDC employees during their probation period will be dealt with using the probation procedure rather than through the sickness absence, disciplinary or capability procedures, with the exception of gross misconduct or gross incompetence.

### 4. Manager's responsibilities

- 4.1 The manager must explain the Probation Policy to all newly appointed employees.

- 4.2 At the beginning of the probation period it is crucial that the manager clearly defines with the employee what is required of them and how their performance will be assessed. Performance standards should clearly state the skills, performance and attendance levels that are required. Throughout the probation period an employee's progress will be measured and evidenced against these performance standards.
- 4.3 The manager must carry out probation review meetings within the required timescale, or more frequently if required.
- 4.4 Where an employee has successfully completed the probation period it is the manager's responsibility to confirm the employee in post.

## 5. Employee responsibilities

- 5.1 It is the employee's responsibility to:
- attend and participate in all induction sessions and mandatory training;
  - ensure that they fully understand the standards of performance required throughout the probation period and ask for clarification if unsure;
  - participate fully in probation review meetings and undertake any agreed actions within the specified timescales;
  - take responsibility for their development and the quality of their work;
  - comply with the Council's Code of Conduct, Disciplinary Rules and any local rules and procedures applied in their work area (which will be explained by the manager); and
  - attend work if they are fit to do so

## 6. Probation Review meetings

- 6.1 Probation review meetings will be held throughout the probation period between the manager and the employee as set out below. **A Probation Hearing will be convened where the required performance, conduct or attendance has not been achieved:**

Timing of Meeting	Purpose of Meeting	Outcome of meeting
Week 1	Outline expectations of performance and explain how progress will be assessed.	
8 weeks	<p>To check that an employee is settling into the role and has an understanding of the basics required to do the job.</p> <p>To check the progress of an employee's induction.</p> <p>Any performance or attendance issues identified are discussed at this meeting with specific examples given.</p>	<p>If necessary, actions to address any emerging issues are to be discussed by the manager and employee (the probation review notes can be used to document this).</p> <p>Copy provided to employee.</p>
16 weeks	<p>To check that an employee is progressing sufficiently in the role and to discuss any training or development issues.</p> <p>If there are performance or attendance issues these should be discussed and progress/improvement against actions reviewed.</p>	<p>Progress to be noted.</p> <p>Probation Review notes to be updated to address outstanding issues agreed and signed by manager and employee.</p> <p>Copy provided to employee.</p>
Final Review 26 weeks	<p><b>No outstanding issues or concerns</b></p> <p>The manager will inform the employee they have met the standards expected and that they will be confirmed in post subject to levels of performance being sustained.</p> <p>----- ---</p> <p><b>Outstanding issues remain</b></p> <p>If there are outstanding concerns the manager decides at this point if a probation hearing is required. The</p>	<p><b>No outstanding issues or concerns</b></p> <p>Manager prepares a confirmation in post letter and issues this to the employee.</p> <p>----- ---</p> <p><b>Outstanding issues</b></p> <p>Manager informs HR and their Service Manager that a probation hearing is required. Letter sent by HR convening probation hearing.</p>



	manager will inform the employee that a probation hearing will be held	
<b>No later than 30 weeks*</b>	Probation Hearing chaired by a Service Manager.	Service Manager decides that employee should be confirmed in post; <b>or</b> Service Manager decides that the employee should not be confirmed in post and terminates employment contract.
*In exceptional circumstances, where the manager has followed and documented the probation process and there is sufficient evidence to support this approach, a Probation Hearing may be held at any point during the probation period		

- 6.2 Probation review meetings can form part of 1:1 meetings in line with the above timescales or be held as separate meetings. It is important that there are regular feedback and 1:1 sessions throughout the probation period so that any issues can be identified and addressed quickly. The manager should seek guidance from HR as soon as issues are identified.

## **7. Record keeping**

- 7.1 Records should be kept of probation review meetings using the standard record form. These records should document discussions, induction and training given, agreed actions and performance measurements. The records will be used as evidence at a Probation Hearing if necessary.

## **8. Extending the Probation Period**

- 8.1 Normally the probation period should not be extended, as six months should be sufficient time to assess an employee's suitability for a role.
- 8.2 In exceptional circumstances a maximum one-month extension may be agreed by the manager to see if improvements in attendance, performance and/or, conduct will be sustained or to allow for completion of mandatory training. Advice should be sought from HR before a probation period is extended. No further extensions will be agreed in any circumstances by the manager.
- 8.3 If an employee is absent during the probation period for any significant period (e.g. long term absence, maternity/paternity or adoption leave) it may be

appropriate to suspend the application of the Probation Policy until they have returned.

- 8.4 Where issues have arisen at a later stage in the probation period or hearing a Service Manager may deem it appropriate to grant a final extension period of a maximum of 3 month extension – please see section 16.

## 9. Criteria and process for confirming in post

- 9.1 An employee will be confirmed in post by letter if their manager is satisfied that by the end of the probation period they have met the required standards that have been set in terms of skills, knowledge, behaviour, and attendance. This letter will be issued by the manager and a copy sent to HR.

## 10. Employee Decision

- 10.0 During the probation period the employee may decide that the role is not suited to them. An employee should have been provided with sufficient induction and training in order to fully understand the role and to come to this decision. In this situation the employee may choose to resign and will be required to work their notice period (this decision is purely voluntary).

## 11. Criteria and process for “Not” confirming in post

- 11.1 An employee who does not meet the performance standards that have been set in terms of skills, knowledge, behaviour and attendance levels by the end of the probation period may have their contract terminated, a Service Manager will take this decision.
- 11.2 Appropriate grounds to consider termination of employment under the probationary procedure may include the following, but this is not an exhaustive list:

### - Intermittent Sickness Absence

Unacceptable levels of intermittent sickness absence could be defined as:

Over 4 days sickness absence in 6 months; OR  
3 periods of absence in any 3 month period; OR

Unacceptable patterns of absence are identified e.g. Mondays, Fridays, extra days linked to holidays; OR

Absences linked to the avoidance of particular work tasks.

**- Work Performance Issues**

Despite reasonable levels of induction/training/support the employee:

- Is not producing work to the required standard
- Is making repeated mistakes after efforts have been made to address these
- Does not have an understanding of the core areas of work
- Does not have the experience/skills that are required to perform the requirements of the role
- Requires excessive additional training/support to address work performance issues
- Has not been able to demonstrate the experience/skills/behaviours that they referred to at the interview.
- Has not met mandatory training requirements or has refused to participate in mandatory training.

**- Misconduct**

The main rules and standards of conduct (behaviour) expected of employees are set out in the Code of Conduct and Disciplinary Policy and Procedure.

**- Gross Incompetence**

The actions and/or omissions of an employee during their probation period may be considered as gross incapability/incompetence. This would occur where the actual/potential consequences of any action/omission are considered so serious as to render the continued employment of the employee impossible, e.g. where others are put at risk of serious injury or death, or the Council's finances or reputation are put at serious risk.

**- Gross Misconduct**

Gross misconduct constitutes a fundamental breach of the contract of employment between the employer and the employee and makes any further trust and working relationship impossible. Full details are set out in the Council's Disciplinary Procedure.

**12. Probation Report**

- 12.1 Where a Probationary Hearing is required, the manager, with guidance from HR, will prepare a summary report of the concerns that have arisen during the probation period. This will outline the performance expectations that were set,

evidence of how performance has been monitored, details of actions /meetings and copies of any written notes and communications. It is necessary to evidence in this report that an employee has been given reasonable levels of induction, training and support with regular reviews.

### **13. Written Notice of Probation Hearing**

- 13.1 The employee must be given at least 7 calendar days notice of this hearing and has the right to be accompanied by a work colleague, trade union representative or Employee Representative Group member.
- 13.2 The employee must provide HR with the name of their representative or work colleague and provide copies of any papers, as applicable, to be referred to three days prior to the hearing.
- 13.3 Employees are expected to take all reasonable steps to attend the probation hearing.
- 13.4 In the event that the employee is too ill to attend, their representative or work colleague is unavailable or other circumstances beyond the employee's control prevent them from attending the meeting, one alternative date normally within 7 calendar days of the original meeting will be arranged. If the employee, their representative or work colleague is unable to attend on the revised date, the meeting will take place as scheduled.

### **14. Probation Hearing**

- 14.1 The Service Manager will chair the probation hearing, supported by an HR representative and will start by outlining the purpose of the meeting.
- 14.2 The manager will then be required to evidence how;
  - the employee has been assessed
  - the employee has not met the required performance expectations in terms of skills, knowledge, behaviour and attendance (with examples);
  - induction, training and support that has been given during the probation period; and
  - explain any actions that were agreed and the outcome of these actions.
- 14.3 The Service Manager will give the employee every opportunity to respond to the points made by the manager and to put forward any mitigating circumstances.

### **15. Probation Hearing Decision**

- 15.1 Following the discussions the Service Manager will adjourn the hearing to consider the evidence provided and make a decision whether to;

- confirm the employee in post; or
  - not to confirm the employee in post and to terminate their employment.
  - extend probation where for example the individual has not been able to undertake training or training/support was not put in place as agreed (see 16. below).
- 15.2 If the decision at the probation hearing is to confirm the employee in post, the Service Manager will inform the employee and their representative either at the hearing, or as soon as possible thereafter. The Service Manager will write to confirm the employee in post within 7 calendar days from the date of the hearing.
- 15.3 If the decision at the Probation Hearing is to not confirm the employee in post, the Service Manager will inform the employee and their representative that the employee is dismissed, with pay in lieu of notice i.e. they will not be required to work their notice. Adjustments in pay will also be made for any outstanding annual leave due or any taken above the allowance.
- 15.4 The Service Manager will confirm in writing, to the employee within 7 calendar days from the date of the hearing;
- that the employee has been dismissed
  - the grounds for dismissal and the reasons; and
  - the date the dismissal will be effective
- 15.5 Following dismissal, the manager is responsible for advising payroll of the termination date, and any leave adjustments and for ensuring that appropriate departments are advised such as ICT for systems access, Facilities Management for buildings access, and that the return of Council equipment is pursued.

## **16. Final Extension**

- 16.1 The Service Manager may decide that a final extension is required up to a maximum of 3 months.
- 16.2 An extension may only be given in exceptional circumstances if:
- an employee has already demonstrated an improvement during the probationary period – a final extension period can be used to show that this improvement can be sustained; or.
  - an issue is identified relatively late in the probationary period and it is deemed that a final extension would provide an opportunity to address this and could realistically be achieved during this time period.
- 16.3 The manager is responsible for evidencing performance during the final extension period and producing/updating the probation summary report (where a hearing is required). After the final extension period if performance has not improved a probation hearing should be convened.

- 16.4 The employee must be given 7 calendar days notice of this hearing.
- 16.5 Based on the evidence presented at the hearing the Service Manager will decide:
- to confirm the employee in post - no further action will be taken under the procedure; or
  - not to confirm the employee in post and to terminate their employment
- 16.6 No further extensions of the probationary period can be given in any circumstances.

## **17. Review and Policy Monitoring**

- 17.1 This policy and procedure will be reviewed and its effectiveness evaluated periodically. The Council retains the discretion to review it at any time and consult as appropriate.