



PEOPLE MATTER

The Organisational Development Plan



ANNUAL LEAVE & SPECIAL LEAVE PROVISIONS



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1. Introduction and Aims

These provisions set out the principles to be followed in relation to the granting of a leave of absence from work. It is intended to ensure that absence is arranged and monitored in a consistent way that is fair to all, in accordance with the Council's Equalities and Diversity in Employment Policy and in line with best personnel practice.

2. General

This applies to all staff employed by the Council, (except those employed on; Soulbury; youth workers; lecturers and teachers conditions of service and those based in schools where separate arrangements apply), and covers all requests for leave of absence whether paid or unpaid.

3. Roles and Responsibilities

Line managers are responsible for authorising all requests for paid or unpaid absence, in consultation where appropriate with the Head of Service e.g. when dealing with exceptional periods of leave of absence. The line manager should also ensure that staff are aware that they should take their full annual leave entitlement within the leave year.

The Departmental Human Resource Service is responsible for receiving copies of all documentation relating to a member of staff's absence via the regular receipt from the department's managers/supervisors of their teams weekly absence returns. They will also, following advice/confirmation from the line manager/supervisor, be responsible for advising the Payroll Section of any instances of paid or unpaid leave.

4. Annual Leave

4.1 Annual Leave Entitlement

The Annual Leave year runs from the 1 April through to 31 March. Staff must take their entitlement during the leave year in periods of up to 3 consecutive weeks (see 4.8 for applications for extended leave). The entitlements are detailed below.

Previous continuous local government service should be taken into account when calculating the entitlement to annual leave. When staff reach 5 years continuous service, the new entitlement will be calculated from the 1st day of the following month, on a pro-rata basis according to how many months are left in the annual leave year.

Annual Leave Entitlement (Including 2 extra statutory days)		
Pay - spinal point	Annual Leave Entitlement	Annual Leave Entitlement after 5 years service
Up to and including 21	22	27
Points 22 – 28 inclusive	25	28
Points 29 – 31 inclusive	26	29
Point 32 and above (inc LSMR posts)	27	30
Chief Officers and other JNC Officers	29	32

4.2 Annual Leave during First Six Months Of Service

New staff may take annual leave during their first six months of service. If granted, staff must be made aware that they will be required to repay any amount outstanding, should they leave the Council before the end of the 'leave year'.

4.3 Calculation of Annual Leave

To ensure consistency in apportioning annual leave for new starters, transfers between leave bands and leavers, the calculation shown in Paragraph 42 (c) of the former Purple Book should be used (see table below). Only complete calendar months should be counted when making the calculation, (e.g. from 15 April to 15 June will count as one month, May), which should be rounded up to the nearest half day.

Where transfers between leave bands take place mid month, the lower leave band will apply for that month.

	Month of entry	Completed months of service by end of March Year A	Leave entitlement during leave year ending 31st March Year A
Year A	March	More than 12	Full
	April	11	11/12ths
	May	10	10/12ths
	June	9	9/12ths
	July	8	8/12ths
	August	7	7/12 th
	September	6	6/12 th
	October	5	5/12 th
	November	4	4/12 th
	December	3	3/12 th
Year B	January	2	2/12 th
	February	1	1/12 th
	March	Nil	Nil
This refers to the position of those members of staff entering the service after the first working day of each month.			

4.4 Leave for Part Time Members of Staff

Part-time staff working 5 days per week

Staff working over 5 days should receive their full annual leave entitlement as detailed in 4.1 above, as each day taken will be paid at their part time working hours e.g. for staff working 25 hours per week over 5 days, a days leave would be 5 hours.

Part-time staff working other than 5 days per week

Staff working less than 5 days a week should receive annual leave and bank holidays calculated on a pro-rata basis as detailed: -

P/T hours per week x Leave entitlement
= ... days leave x 7 = ... hours F/T working week

e.g. Member of staff on s.c.p. 30 with 7 years service, working 17½ hours per week, Tuesday - Thursday

17½ x 29 = 14½ days x 7 = 101½ hours leave per annum 35

Bank Holidays

Where staff only work certain days each week, i.e. Monday and Tuesday, they are entitled to receive an additional payment if a bank holiday falls on one of their non-working days, i.e. Good Friday during the Easter period. This payment should be calculated by dividing the number of hours worked per week by 5 (days of the week).

Example: Member of staff works 15 hours per week, divide by 5, equalling 3. The member of staff is entitled to receive 3 extra hours of pay in respect of the bank holiday. These hours should be paid at flat rate. An appropriate claim form will need to be submitted in these circumstances.

4.5 Carry Over of Annual Leave

Staff may apply to their line manager to carry over a maximum 5 days annual leave from one year to the next. If the line manager is not able to agree the request, staff may appeal to their Head of Service for approval. Any request to carry over more than 5 days annual leave for a special reason e.g. to visit relatives abroad should also be referred to the Head of Service.

Any other outstanding leave will be forfeited, although in exceptional cases, staff who are prevented from taking their full annual entitlement as a result of the Council's requirements may make arrangements with their line manager for annual leave to be carried over for a period of three months beyond the end of the annual leave year.

4.6 Additional Unpaid Leave

Additional leave without pay may be granted at the discretion of the line manager in consultation with the Head of Service. Directors may grant up to 10 days leave without pay; any unpaid leave in excess of that would require the approval of the Head of Organisational Development and Employee Relations.

1 days pay will be deducted for each days unpaid leave. Where the period of unpaid leave includes a weekend or scheduled rest day, (eg unpaid leave on a Friday and Monday), 1 days pay will be deducted only for each day that the member of staff would have worked as part of their normal working week.

A day's pay is 1/12 of annual salary divided by the numbers of days in that particular month. (Where staff take unauthorised absence, including industrial action, the deduction will be 1/5 of a weeks pay).

4.7 Notification

Requests for leave should be submitted to the line manager on the Annual Leave Request Form giving a minimum 2 days notice. The leave should be recorded on the Absence Record /Annual Leave Card and Payroll notified where appropriate (e.g. to effect salary deductions for unpaid leave).

Staff should not make any holiday arrangements and/or bookings until their request has been formally approved by their line manager. The Council will not be liable for any costs incurred by staff who make arrangements prior to leave being granted.

4.8 Approval of Annual Leave

While every effort will be made to meet a leave request, line managers have the right to refuse or adjust the dates of an intended holiday.

The Council reserves the right in exceptional circumstances to subsequently withdraw approval should the needs of the business warrant it e.g. to ensure it is able to carry out it's statutory functions and/or to continue to provide a service. Where this is necessary, every effort will be made to minimise the inconvenience and cost to the member of staff. Where staff on annual leave are called on to return to work, they will be paid as normal for that day and their leave re-instated to be taken at a later date.

Any member of staff who takes annual leave, which has not been previously approved, may be subject to disciplinary action, including dismissal.

4.9 Extended Leave

Applications for extended periods of leave i.e. in excess of 3 weeks should be made well in advance of the leave being required. Where the Head of Service is unable to grant an extended period of leave, they will notify the member of staff concerned within 5 working days of the request.

4.10 Late Return from Annual Leave

If for any reason staff will be late returning from an agreed holiday they must notify their line manager as soon as possible. Failure to do so may render staff liable for disciplinary action for unauthorised absence.

4.11 Sickness during Annual Leave

Staff who fall sick during annual leave shall be regarded as being on sick leave from the date of a doctor's certificate. Annual leave will not be re-instated unless a doctor's certificate is produced.

The balance of the leave may be taken at a later date after their return to work. Staff must take the balance before 31 March, unless they have obtained approval to carry over a maximum of 5 days leave until the next year. **Please note:** that medical certificates issued outside of the EU do not count towards the payment of SSP

4.12 Prolonged Sickness during Leave Year

Staff who have been absent due to sickness for the majority of the leave year and return to work having a full annual leave entitlement should, time permitting, take the leave before 31 March. If there is insufficient time they may carry over up to 5 days and be paid for the outstanding amount.

Staff who are absent due to sickness for the whole or latter part of the year, and have a full or substantial leave entitlement, but do not return to work by 31 March should be allowed to carry forward 5 days and be paid for the outstanding amount.

Note: Staff who are on sick leave and have exhausted their entitlement to sick pay will still accrue annual leave during this period. Staff are entitled to apply to take annual leave whilst absent due to sickness and must notify their manager when they want the leave to commence. Where staff are on nil pay, their pay will be re-instated whilst on annual leave.

4.13 Payment of Outstanding Leave

Managers should ensure that their staff take any outstanding annual leave prior to their last day of service.

The Council has agreed that payments in lieu of outstanding annual leave may only be made:

- In cases where the member of staff has been unable to take the leave due to redundancy.
- In cases where the Director or Head of Service has requested the member of staff to work for the exigencies of the service.
- On the termination of their service.
- There has been pro-longed sickness during the leave as in 4.12 above.

5. Compassionate Leave

Line managers may grant up to 3 days leave with pay to staff in the case of the serious/sudden illness or death or funeral of a near relative and up to 1 day for the funeral of a fellow member of staff. They may also approve up to 10 days unpaid leave of absence in consultation with the Head of Service.

Normally 1 days leave would be granted to attend the funeral of a near relative with up to 3 days where the member of staff is making the arrangements, if appropriate. This entitlement can also be linked to the "Emergency Time off for Dependants Leave" if necessary.

Where staff need time off for compassionate reasons at the end of the leave year (February/March) first consideration should be given to using any outstanding annual leave in excess of 5 days. As detailed in paragraph 4.5, staff may only apply to carry over 5 days annual leave into the next year.

Note: A near relative includes: parents, grandparents, parents in law, partner, children, brothers and sisters, brothers and sisters in law, sons and daughters in law, grandchildren and a person standing "in loco parentis" to the member of staff or to whom the member of staff stands in relation.

6. Medical Screening

Necessary paid leave will be granted to staff for the purpose of medical screening on production of the appropriate notification of appointment if requested.

7. Leave For Elective Surgery

Staff who choose to undergo "elective" surgery which is not required for medical reasons (*e.g. cosmetic surgery, corrective eye surgery (laser treatment etc), implants, removal of tattoos, etc.*) should use their annual leave or request unpaid leave. Paid special leave will not be granted in such cases.

Note: The absence does not constitute sickness and the provisions of the Council's sick pay schemes do not apply.

8. Medical, Dental and Optical Appointments

8.1 General

If staff require urgent optical, dental or other medical treatment, they will be allowed reasonable time off subject to the line manager's approval and production of the appointment notification.

Where possible, such appointments should be arranged outside normal working hours or at the beginning or end of the working day or during the lunch break. Staff may be asked to make up lost time if the number of appointments is deemed to be excessive; each case will be considered on its merits *e.g.*; whether it is related to a condition that comes under the terms of the Disability Discrimination Act or post operative recovery, etc.

In the event of a medical, dental or optical appointment taking up a full workday, the Council reserves the right to treat this as sickness absence.

8.2 Blood Donors

Managers will grant reasonable time with pay for blood donors to attend local donation centres.

8.3 Gender Reassignment

Requests for time off to attend medical appointments will be treated sympathetically, and may be taken as sick leave or special leave, in accordance with the provisions set out in paragraph 8.1 above, depending on the individual circumstances of the case.

8.4 Fertility Treatment

Requests for time off to attend medical appointments will be treated sympathetically, and may be taken as sick leave or special leave, in accordance with the provisions set out in paragraph 8.1 above, depending on the individual circumstances of the case.

9. Time Off For Rehabilitation, Assessment or Treatment

The Council is required to make “reasonable adjustments”* to avoid discriminating against disabled members of staff. (* Further details are obtained within the “Managers Guide to Employing Disabled People”).

This may include allowing the disabled member of staff to work flexible hours, to enable additional breaks to be taken to overcome fatigue, or changing the disabled member of staff’s hours to fit in with the availability of a carer.

If staff become disabled, the department must consider allowing the person more time off during working hours than would normally be allowed to non disabled staff e.g. to receive physiotherapy, psychoanalysis or to undertake employment rehabilitation, etc. A similar adjustment would be to allow for occasional treatment.

The length of time necessary will vary from case to case and all requests should be dealt with in a flexible, supportive and sensitive manner, and advice sought from the Departmental Human Resources Service as appropriate. Line managers should note that there is not a specific entitlement to extended absence from work owing to incapacity and in these cases the procedures relating to the management of sickness absence and capability should be followed.

10. Ante-Natal Care

All pregnant members of staff, irrespective of the hours worked or length of service have the right to paid time off for ante-natal care and must produce evidence of such appointments if requested.

11. Adoption, Parental and Paternity And Maternity Support Leave

Please refer to the separate procedures for details of the entitlements for time off for these purposes.

12. Service In Non-Regular Forces

The Council's permission should be sought before staff volunteer for service in non-regular forces. Up to 2 week's leave with pay may be granted for the purpose of attending an annual training camp/course, any extra period should be taken as leave without pay or as part of annual holiday entitlement. Line managers may cancel leave for military service where this affects the operational requirements of the business having first taken advice from their Departmental Human Resources Service.

13. Election Leave

Staff who are required to assist the Chief Executive with Parliamentary, European and Council elections within this borough will be granted leave with pay.

14. Jury Service

Staff who are required to attend for jury service must give as much notice as possible. In normal circumstances, the Council will agree to a leave of absence to attend. Staff will continue to receive their appropriate salary rate on the basis that they re-imburse the Council any allowances that can be claimed up to the maximum rate paid by the relevant authorities to the individual. Staff must obtain the prior approval of their line manager and forward a copy of the completed jury service form (available direct from the court) to Payroll.

15. Public Appointments

Staff who wish to fulfil a public appointment should first discuss this with their line manager to ensure that the timing of any duties that they might have to fulfil does not interfere with their normal employment duties. Approval will be required from the line manager prior to staff accepting the public appointment and time off to attend meetings or carry out work on behalf of the public body shall be limited to a maximum of 12 days per year. In the case of magisterial duties, the Council's practice is to grant 18 days or 36 half days per year. Time off is granted with pay for these purposes.

Categories of public appointments, which may qualify for time off under this section, include, but are not limited to, the following:-

Justice of the Peace, Member of a local authority, Member of a statutory tribunal, Member of a police authority, Member of a board of prison visitors or a prison visiting committee, Member of a relevant education body, including school boards, Member of the Environment Agency or Environment Protection Agency.

Staff must register these interests under the Code of Conduct.

Note: Section 10 of the Local Government and Housing Act (1989) makes it unlawful for a Local Authority to allow a member of staff paid time off in excess of 208 hours for Councillor duties. The Act also restricts the political activities of certain staff (Politically Restricted Posts). Please see the guidance in the "Quick Guide to Managing People".

16. Religious Festivals

Where possible, leave for religious festivals should be accommodated within the existing annual leave or flexible working arrangements. If this is not possible, the line manager should grant staff unpaid leave.

Further guidelines as to religious observance, etc. may be found on the HR intranet site.

17. Study Leave

Staff may be allowed paid leave of absence for all approved courses as follows:

- The day/half day on which the examination falls.
- Two days of study leave per course in any 12-month period.

Additional leave of absence may also be granted at the discretion of the line manager, depending upon the discipline being studied in conjunction with the member of staff's entitlement to flexible working, annual leave, etc.

18. Longer Term Unpaid Leave of Absence

All applications should be submitted to the line manager detailing the reason(s). The line manager will consider each case on its merits and decide what will best accommodate the member of staff and the Council's needs prior to referral, if necessary, to the Head of Service. In all cases staff will be notified in writing by the line manager of the amount of unpaid leave if any, which has been granted. The Payroll Section must be kept informed of all granted unpaid leave in order to make the appropriate necessary deduction(s).

19. Time For Other Reasons

There are separate arrangements for time off to attend urgent domestic situations etc as detailed in the Family Friendly Provisions.

20. Unauthorised Absence

All unauthorised absence is without pay and is a disciplinary offence.

Annual Leave Card

Year: 20____

Name: _____ Designation: _____

Entitlement: _____ Leave brought forward: _____ Long service entitlement: _____

Date	Period required		Number of days.	Balance remaining	Approved (Line manager)
	Date from:	Date to:			

Calculation of Annual Leave for Part Time Workers Working Less than 5 days per Week

P/T hours per week x Leave entitlement = ... days leave x 7 = ... hours F/T working week

E.g. Employee on s.c.p. 30 with 7 years service, working 17½ hours per week, Tuesday - Thursday

$$\frac{17\frac{1}{2} \times 29}{35} = 14\frac{1}{2} \text{ days} \times 7 = 101\frac{1}{2} \text{ hours leave per annum}$$



Application for Special Leave.

To be completed and handed to your line manager 28 days in advance or as soon as is practicably possible.

Name: _____ Job Title: _____

Payroll No: _____ Section: _____

Location: _____

Reason: _____

First Day: _____ Last Day: _____ Total number of days required: _____

Member of staff's comments: _____

Signed (Member of Staff): _____ Date: _____

Once this form has been completed, please pass it to your line manager

Number of days taken as annual leave/unpaid special leave: _____

Managers Comments: _____

Signed (Manager): _____ Date: _____

Please send the completed form to your Departmental Humans Resources Service

Date Payroll notified by Departmental Human Resources: _____

Signed (Manager) _____ Date: _____

Please send this form to your departmental HR service