

## **LEAVE POLICY**

(To be read in conjunction with the Absence & Sick Pay Policy and Procedure)

**Policy Statement: The aim of this policy is to outline the leave entitlement of an employee. The Policy aims to ensure fair, equitable and consistent treatment of staff and is based on The National Agreement on Pay and Conditions of Service of the National Joint Council (“the NJC”) for Local Government Services (“the Green Book”)**

### **1. INTRODUCTION:**

The Council recognises that every individual, may, at some point, be challenged by unplanned and unexpected events or sudden ‘life events’ which can affect not only the individual’s work but may also impact on other colleagues. The Council’s Leave Policy provides a range of options to assist staff to meet these challenges, whilst ensuring the proper functioning of the Council’s services.

## **PART ONE – ANNUAL LEAVE ALLOWANCE**

### **2. LEAVE YEAR GUIDELINES:**

- The Council’s annual leave year runs from 1 April to 31 March.
- Annual leave should be planned over the year and not “saved” until the end of the financial year. Staff should give consideration to the operational needs of the Council prior to making an annual leave request. Every effort will be made to accommodate requests for annual leave.
- Requests for annual leave should be made in a timely manner with, under normal circumstances, a minimum of 3 days’ notice for leave periods up to 5 days and 3 weeks’ notice for periods over 5 days.
- In the normal course of events, requests for annual leave should be made no more than 12 months in advance of the planned leave. However, where a special event is being planned an exemption may be granted by the Town Clerk.
- Annual leave must be taken at times agreed with the employee’s Line Manager. However, during peak operating periods or when planned major civic events are taking place, leave must also be authorised by the Town Clerk.
- The maximum single period of leave, under normal circumstances, will be two weeks. Requests for longer periods of leave will require the approval of the Staffing Committee. Such requests should be made in writing to the Town Clerk a minimum of 3 months prior to the requested leave to allow such requests to be put to the Staffing Committee (if exact dates are not known, the request should state an approximate range of dates).
- **Employees are reminded not to pre-book any holiday prior to approved leave being granted.**
- Any employee not having taken at least 18 days of their Annual Leave Allowance (ALA) by 31 January will be required to submit a leave plan which provides for a minimum of 28 paid leave days to have been taken by 31 March. (18 days ALA, 2 Statutory Days plus 8 Public Holidays = 28 Days) pro rata for part time employees.

- All annual leave should be taken within the current leave year. In **exceptional circumstances**, employees may be allowed to carry over a maximum of five days untaken annual leave into the following year. Staff must request prior approval of the Town Clerk no later than 31 January in order to carry over unused annual leave. The Town Clerk will require approval of the Chair of the Staffing Committee in order to carry over unused annual leave.
- Legitimate 'exceptional circumstances' could include:
  - Workload – covering for other staff absences (other than normal annual leave) for more than 4 weeks;
  - Preparing for a successor or succession;
  - Undertaking additional duties (either temporarily or permanently) which the Staffing Committee, upon review, deem not to have been sufficiently resourced.
- Subject to the above, and the provisions of the Council's Absence & Sick Pay Policy and Procedure and Maternity/Paternity/Adoption/Shared Parental Leave Policies, any untaken leave will be lost and employees will not be entitled to pay in lieu of untaken annual leave.
- Except where allowed by Employment Rights Act 1996 (Time Off for Dependents) leave taken without the prior approval of the employee's Line Manager will be classified as unauthorised absence and may result in pay being withheld, and/or disciplinary action being taken.

### **3. LEGAL REQUIREMENT UNDER THE WORKING TIME AMENDMENT REGULATIONS:**

The Council's minimum leave allowances (23 days annual paid leave, 2 days extra statutory days plus 8 public holidays) exceeds the 28 days minimum annual leave required under the working time amendment regulations 2007. It is a statutory requirement that staff take a minimum of 28 days' paid annual leave each year. Employees are unable to carry forward holiday if this leaves them with less than 28 days leave in any year.

### **4. PUBLIC HOLIDAYS:**

Employees shall, irrespective of length of service, be entitled to a holiday with a normal day's pay for each of the statutory and public holidays as they occur.

### **5. ANNUAL LEAVE:**

Leave entitlement is 23 days per annum (rising to 25 days a rate of 1 day for each completed 12 months counting from the 1 April following the start of employment of continuous Local Government service up to a maximum of 25 days annual leave entitlement per annum) plus two extra statutory days and public holidays (pro rata for part time employees). For the purposes of entitlements regarding Annual Leave, Occupational Sick Pay and the Occupational Maternity Scheme, continuous service will include continuous previous service with any public authority to which the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 applies. Further guidance relating to the definition and calculation of eligible continuous service is detailed in 'The Green Book'.

### **6. EXTRA STATUTORY HOLIDAYS:**

Employees shall have an entitlement to two extra statutory days holiday, these 'statutory days' are to be used during the Christmas to New Year closure period.

## **7. CALCULATION OF ANNUAL LEAVE ENTITLEMENT FOR NEW STARTERS AND LEAVERS:**

The annual leave entitlement of employees leaving or joining the Council is pro-rata to their completed service during the leave year. Deductions from an employee's final salary payment will be made for any leave taken in excess of entitlement.

For the purpose of calculating leave (annual, public and extra statutory holidays) entitlements may, where necessary, be expressed in hours over the leave year.

## **8. CHRISTMAS TO NEW YEAR HOLIDAY CLOSURE:**

Godalming Town Council will follow the 'Council Office Closure' schedule set by Waverley Borough Council. If the Christmas Office Closure covers a period in excess of public holidays plus the two statutory days' holiday detailed above, staff will be required to allocate any additional days against either their annual leave entitlement or 'accrued' TOIL. Notice of the number of days required to be set against this requirement will be announced no later than 31 October. It should be noted that due to the operational requirements of Godalming Town Council it may not be possible to grant all staff leave during the entire shut down period, in which case appropriate adjustments to leave records will be made.

## **9. TIME OFF FOR RELIGIOUS FESTIVALS OR OBSERVATIONS:**

Wherever possible, the Council shall endeavour to accommodate requests for time off for religious festivals or observations which are not covered by statutory public holidays. Employees must use their annual leave entitlement or accrued TOIL for this purpose.

## **10. PROCEDURE FOR OBTAINING APPROVAL AND RECORDING OF LEAVE:**

An employee's Line Manager must approve all paid leave in advance. Staff wishing to take paid leave should follow the procedure set out below:

- Staff are required to enter requested leave dates onto their leave card held by the Support Services Executive.
- The Support Services Executive will present the relevant leave cards to the appropriate Line Manager for authorisation of the request as soon as practicable. On authorising leave, Line Managers are to inform the staff member that their leave request has been granted.
- If approved, the Services Support Executive will update the details of the leave onto the staff leave calendar (shown on Microsoft Outlook for ease of reference by Line Managers and other staff).
- Upon notification from a Line Manager, the Support Services Executive is to record on an individual's leave record card any occasion where a staff member was required to work on a Public Holiday.
- The Town Clerk shall consult with the Chair of the Staffing Committee when making his/her leave arrangements and where the Town Clerk has delegation for authorisation of discretionary leave in relation to other staff, he or she will seek such authorisation from the Chair of the Staffing Committee or Vice Chair if the Chair is unavailable.

## PART TWO – SPECIAL FORMS OF LEAVE

### 11. PUBLIC DUTIES:

Paid leave of absence will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the Council.

### 12. ELECTION DUTIES:

Employees who wish to act as presiding officers, poll clerks or counting officers may request to take an unpaid leave day to carry out these duties. Employees should consult the Town Clerk and obtain permission, which should not be unreasonably withheld, before accepting the appointment.

### 13. LEGISLATIVE BACKGROUND:

The Council recognises and abides by the legislation relating to employees rights to leave and protection of leave including Maternity, Paternity, Adoption, Shared Parental Leave, Ordinary Parental and Parental Bereavement leave. In the event that an eligible employee is seeking to take any of the aforementioned leave they should, at the earliest opportunity, discuss their plans with their Line Manager who will be able to seek further advice on leave entitlements, pay rates and the legislation which is current at the time.

### 14. OCCUPATIONAL MATERNITY SCHEME:

The Occupational Maternity Scheme, as detailed in 'The Green Book', shall apply to all pregnant employees, regardless of the number of hours worked per week, who have completed at 1 year's continuous local government service at the 11<sup>th</sup> week before the Expected Week of Childbirth.

### 15. HEALTH & SAFETY IN PREGNANCY:

On receipt of written notification from an employee that she is pregnant, the Town Clerk should carry out a risk assessment. The employee and relevant Line Manager should be fully informed of any risks identified. The Line Manager and employee have an on-going responsibility to monitor any potential risks that may be present.

### 16. SHARED PARENTAL LEAVE AND STATUTORY SHARED PARENTAL PAY:

Employees and their partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if there are:

- having a baby
- using a surrogate to have a baby
- adopting a child

They can share up to 50 weeks of leave and up to 37 weeks of pay between them.

They need to share the pay and leave in the first year after their child is born or placed with their family.

They can use SPL to take leave in blocks separated by periods of work, or take it all in one go. They can also choose to be off work together or to stagger the leave and pay.

To get SPL and ShPP, an employee and their partner need to:

- meet the eligibility criteria - there's different criteria for birth parents and for adoptive parents or parents using a surrogate.
- Give notice to employers.

Full details and information on SPL and ShPP can be found on the [Government's website](#) and on the [ACAS website](#)

#### **17. PATERNITY LEAVE:**

Up to two weeks' paid leave (to be take in a block of one or two weeks leave over a single period) shall be granted to the child's father or the partner or nominated carer within the first year of birth/adoption.

Further details and information on Paternity Leave can be found on the [Government's website](#) and on the [ACAS website](#)

#### **17A. ORDINARY PATERNITY LEAVE:**

Parents have the right to unpaid time off work when they need to look after their children. This is called 'ordinary parental leave' or unpaid parental leave. Ordinary Parental leave is additional to other types of time off employees are usually entitled to, such as:

- maternity, paternity and adoption leave and shared parental leave – for when someone's having a baby or adopting a child
- holiday

Full details and information on Paternity Leave can be found on the [ACAS website](#)

#### **18. ANTENATAL APPOINTMENT:**

Any pregnant employee has the right to paid time off to attend antenatal appointments and must produce evidence of appointments if requested to do so. Wherever possible these should be arranged outside of core time as set out in an employee's contract of employment. A baby's father, the expectant mother's spouse or civil partner, or an employee in a long-term relationship with the expectant mother can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments (taking up to 6 and a half hours per appointment).

#### **19. CARER LEAVE:**

Although employees have a right under the [Carer's Leave Act 2023](#) to up to one weeks' unpaid leave during a 12 month period to provide or arrange care for a dependants.

Godalming Town Council recognises that a flexible and supportive approach is required for those who have care responsibilities for others. Discretionary leave may be granted in the following circumstances:

Serious illness of a Husband, Wife, Partner, Son / Daughter including Step-children or a close family member who requires constant care and attention in their own home as defined in the [Carer's Leave Act 2023](#) 80J (2b), where no other care arrangements can be made or normal care arrangements have broken down, for example a person living alone recovering from an operation.

Up to five days with pay may be granted at the discretion of the Town Clerk in accordance with the individual circumstances of the case. These additional days paid leave will not normally be granted until employees have exhausted any outstanding annual leave entitlement (based on the pro-rata calculation of the full annual entitlement on the date of request).

In cases of family sickness other than serious illness, consideration will be given to allowing the employee flexibility for start, finish and lunch times to allow them to care for their Husband, Wife, Partner, Son, Daughter or a member of their close family.

The Council's Carer Leave Scheme should be used in circumstances where the illness relates to someone who is normally directly dependant upon the employee for domestic support as defined in the [Carer's Leave Act 2023](#). 80J (2a)

Further information on the Carer's Leave Act 2023 can be found on the [ACAS website](#)

**20. TIME OFF FOR MEDICAL SCREENING AND OTHER MEDICAL APPOINTMENTS:**

Wherever possible, visits to a GP and other routine medical appointments should be made outside working hours.

Where this is not possible, appointments should be made to minimise the extent of absence from work, for example, either at the beginning or end of the working day. Paid leave of up to two hours may be granted at the discretion of the Town Clerk, time off in excess of this period will be permitted, subject to the employee making up the hours lost. Time in excess of two hours is to be recorded by Support Services in the TOIL log with the accrued TOIL balance amended accordingly.

Employees having to attend hospital, clinic appointments or work-related medical appointments (e.g. sight tests or occupational health) where the timing of the appointment(s) is beyond their control will be able to attend these appointments during the working hours with no expectation to make up the hours lost.

Necessary paid time off will be granted for the purpose of cancer screening.

**21. SPECIAL LEAVE:**

Additional leave with or without pay may be granted in special circumstances at the discretion of the Staffing Committee, such requests are to be made in writing to the Town Clerk.

**22. COMPASSIONATE LEAVE:**

The Town Clerk may grant up to three days' paid compassionate leave to help an employee cope with the serious illness or death of an immediate family member.

**23. FUNERALS:**

An additional paid Compassionate Leave day may be granted for attendance at the funeral of an immediate family member; Spouse or Partner, Parent (birth, adoptive or step-parent), Child (birth, step-children or adopted) or Sibling (including step-sibling or adopted).

**24. TIME OFF FOR DEPENDANTS:**

All employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

- A spouse;
- A civil partner;
- A child;
- A parent;
- A person who lives with the employee other than as his or her employee, tenant, lodger or boarder;
- Any other person who would reasonably rely on the employee for assistance if he or she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.

An example of time off for dependants is if your child falls ill you could take time off to go to the doctor and make care arrangements. Your employer may then ask you to take annual leave or parental leave if you want to look after your child for longer.

Although there is no requirement to give notice the employee must, as soon as possible, tell their Line Manager the reason for their absence and how long they expect to be away from work.

Exceptionally, consideration will be given to events which may be foreseen, but which are of a serious nature such as to make the presence of the employee necessary, for example, time off to settle an elderly relative into a care home or to attend a hospital appointment or planned operation with a child/partner. Such requests should be made to the Town Clerk for determination in consultation with the Chair of the Staffing Committee.

## **25. TIME OFF IN LIEU:**

For staff members above pay point 23 unless otherwise agreed as part of employment particulars, authorised additional hours worked outside of an individual's normal working hours will be compensated for by Time off in Lieu (TOIL). The points set out below govern the accrual and taking of TOIL.

### **Accruing TOIL**

- Additional hours which may accrue TOIL must be authorised in advance by the Town Clerk.
- Unless otherwise approved and authorised by the Staffing Committee, TOIL will be granted at single rate (one hour worked equals one hour TOIL) when a member of staff is required to work outside their normal hours to service weekday meetings or to attend weekday Civic, Mayoral or approved external events.
- Staff attending weekday evening meetings or weekday Civic, Mayoral or approved external events will receive single rate TOIL with an additional hour to cover travel time, meeting preparation and clear-up.
- For meetings started during the employee's normal working day and proceeding beyond the end of the working day, single TOIL will be granted as earned after the end of the working day.
- Staff attending weekend meetings or weekend Civic, Mayoral or approved external events will receive TOIL at time and a half for the duration of their involvement /requirement at the event. Additionally, staff will be granted travel time to and from an event. Travel time will be determined by the most direct route and standard parameters of the RAC route planner ([www.rac.co.uk/route-planner](http://www.rac.co.uk/route-planner)). The approved travel time allowance is to be recorded in the TOIL log.
- Employees are to report TOIL hours to the Support Services Executive in writing, and the Support Services Executive will maintain the TOIL log, recording the date of accrued toil, the amount of toil time claimed, employees accumulated TOIL, date TOIL taken,

balance of TOIL remaining. Once recorded in the TOIL log, the entry is to be signed authorised by the Town Clerk.

## **Taking TOIL**

- Whilst all staff should aim to take TOIL as soon as practicable after the date of accrual, in recognition of the relatively small number of employees at the Town Council and the resulting difficulty of taking time off, no more than 22.5 hours (three working days) TOIL can be accumulated at any one time. This is pro-rated for part-time staff.
- Toil is to be requested and recorded using the same procedure as when requesting Annual Leave, with the added requirement that once approved by the Line Manager, the leave card is counter-signed by the Support Services Executive to indicate that sufficient TOIL is available to support the request and that the accrued TOIL balance has been adjusted accordingly.
- The Town Clerk will inform the Chair of the Staffing Committee before taking TOIL in excess of 7.5 hours.
- TOIL cannot be taken in advance of the hours being accrued.
- Except when leaving and by specific agreement of the Staffing Committee, TOIL cannot be 'bought back'.

## **PART THREE – IMPLICATIONS ON PENSION CONTRIBUTIONS**

### **25. UNPAID LEAVE:**

If employees are granted unpaid leave of absence or leave on reduced pay

**For the first 30 days:** Full Local Government Pension Scheme membership continues to build up during this period but the employee must pay the pension contributions that would have been paid had she/he been at work.

**After 30 days:** This period will not count as pension scheme membership unless the employee opts to pay for it to do so. For the period to count as pensionable service he/she can elect to pay pension contributions for the whole period (up to a maximum absence period of 36 months) by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract in order to maintain their full pension benefits. If the employee wishes to do this they must notify the RFO in writing within 30 days of their return to work (or within 30 days of leaving work if they do not return). Details of the cost of buying back the 'lost' pension can be obtained from the Pension Scheme; please ask the RFO for details.

### **26. MATERNITY, ADOPTION, PATERNITY AND SHARED PARENTAL LEAVE:**

The implications of these types of leave is set out in the National Agreement of the National Joint Council for Local Government, a copy of which is available at the Town Council Offices.

### **27. INDUSTRIAL ACTION:**

If employees who are LGPS members are absent from work due to industrial action they will also have the option to buy back the 'lost' pension by making an Additional Pension Contribution. In order to do so they must write to the RFO, however, there is no time limit and the entire cost will be met by the employee.

*This is a non-contractual procedure which will be reviewed from time to time.*