

# Leave Policy



WORKING TOGETHER

## Policy Overview

This policy applies to all employees of Chorley and South Ribble Borough Councils.

This document is part of a family of policies which provide advice and information on achieving a work-life blend; see the Parental Leave, Flexible Working, and Home Working policies for more information.

The councils have many provisions in place to support employees who need to be away from the workplace. This is facilitated by a generous annual leave entitlement and supported by statutory and non-statutory time off (special leave) where necessary. This document aims to make the information more accessible by combining all of the relevant policies into one.

At all times, the delivery of council services takes precedence over the application of this policy and it is the responsibility of Senior Leadership to determine minimum cover arrangements.

## Policy Objective

The objective of this policy is to establish the process for employees to take time off work in accordance with contractual entitlements to annual leave and public holidays and to establish a fair approach to discretionary leave.

The councils recognise that access to special leave arrangements that support employees in balancing their work responsibilities with their personal commitments is an important part of supporting our people.

## Manager Responsibilities

- Ensure that all employees are treated fairly and consistently
- Support employees to understand their entitlements so that they are able to make the right leave choices.
- Ensure that employees are aware of entitlements and the process to request time off balanced with the needs of the service.
- To address any misuse or abuse of the Leave policy
- To ensure adequate staffing at all time
- To approve leave fairly and consistently within the team
- Managers should contact the HR team for support if needed.

## Employee Responsibilities

- To ensure that leave is requested following the appropriate procedure and with adequate notice.
- To contact their manager immediately upon becoming aware of the need for additional time off work at short notice.
- Ensure that managers are kept informed about potential leave requirements.
- To provide appropriate proof in support of leave if required.
- Not misuse or abuse the Leave policy.

## Definitions

<b>Dependent</b>	The partner or child of an employee, or anyone who can reasonably be expected to rely on the employee in case of illness or emergency.
<b>Relative</b>	Includes parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives.
<b>Next of Kin</b>	A partner, close family member or dependent.
<b>Immediate Family</b>	Father, mother adoptive parent or guardian (legally appointed or otherwise), Step Mother or Father, Wife, Husband or Partner, Sister or Brother, Daughter or Son, Half Siblings, Step Daughter or Son
<b>Extended Family</b>	Grandparents and Great Grandparents, Grandchildren, Aunt, Uncle, Niece, Nephew, Cousin, Step Brother or Sister, Mother in Law/Father in Law, Brother in Law/Sister in law
<b>Carer</b>	An employee with significant caring responsibility which has a substantial impact on their working life. Someone who is responsible for the care and support of disabled, elderly or sick child, parents, relatives or friends who are unable to care for themselves.
<b>Disability</b>	An employee may be considered to be disabled under the Equality Act 2010, if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.
<b>TOIL</b>	Time off in lieu. Time worked outside of the flexi time scheme will ordinarily be accrued as TOIL. It must be approved in advance of being worked.
<b>WSP</b>	Written Statement of Particulars. This is your written contract of employment.

Type of leave	Overview	Entitlement (pro rata)	Paid or Unpaid	Notice required
<a href="#">Flexi time</a>	Supports the variable needs of the service and offers increased flexibility for employees.	Detailed in employee's WSP.	Paid	At least twice the amount of leave being requested.
<a href="#">Annual Leave</a>	A contractual number of days' leave per year. This is in addition to 8 bank holidays and 3 additional days at Christmas.	Detailed in employee's WSP.	Paid	At least twice the amount of leave being requested.
<a href="#">TOIL</a>	Time accrued outside of normal working hours/flexi bandwidth.	N/A	Paid	At least twice the amount of leave being requested.
<a href="#">Buying Special Leave</a>	Additional leave which can be purchased and added to the annual leave balance. Monthly from salary will be made.	Up to 2 weeks	Unpaid	At least 1 month
<a href="#">Emergency Dependents</a>	Emergency time off to organise the care of a dependent.	Reasonable time off.	Unpaid	For emergency situations.
Unpaid Parental	Time off within the first 5 years of a child's birth/placement or up to 18 years where the child has a disability.	4 weeks per year up to a maximum of 18 weeks. To be taken in full weeks unless the child has a disability.	Unpaid	At least 3 weeks
Compassionate	Leave to support the emergency hospitalisation or end of life care of a dependent.	2 weeks	Paid	As much as can be provided.
Bereavement	Time off following the loss of a family member.	2 weeks for immediate family 2 days for extended family 1 day for other family and close friends	Paid	As much as can be provided.

<a href="#">Extended Special Leave</a>	A continuous absence of up to 6 months.	Only with Director approval.	Unpaid	At least 3 months.
<a href="#">Career Break</a>	A continuous absence of between 6 months and 2 years.	Only with Director approval.	Unpaid	At least 6 months.
Hospital appointments	Time off to attend hospital appointments	Up to 4 per year. Proof may be required.	Paid	As much as can be provided.
Medical appointments	Time off to attend GP, dentist, or optician.	As needed. Where possible appointments should be made outside of work time.	Unpaid.	As much as can be provided.
Study Leave	Leave for examinations is provided where there is a business need for the associated qualification.	Examinations.	Paid.	At least 2 weeks.
Personal and Domestic Leave.	To deal with domestic emergencies like fire, flooding or burglary	2 days	Paid	For emergency situations.
Domestic Abuse Support	To support employees who are the victims of domestic abuse.	10 days	Paid	For emergency situations.
<a href="#">Court Service</a>	Jury service	As needed	Paid	As much as can be provided.
<a href="#">Court Service</a>	Attendance at court as a witness	As needed	Unpaid unless representing the council	As much as can be provided.
<a href="#">Trade Union duties</a>	Time off for elected officials of the recognised Council union(s) to undertake their duties.	Reasonable time off	Paid	As much as can be provided.
Armed Forces	Time off for training for employees who are Reservists or Cadet Force Adult Volunteers. More information can be found in the Reservist policy.	10 days	Paid	At least twice the amount of leave being requested.

Interviews	Time off to attend an interview with another local authority	Up to 3 per year. No limit if notice of redundancy has been issued.	Paid	As much as can be provided.
<a href="#">Volunteering</a>	Time off to volunteer in the boroughs	3 days	Paid	At least 2 weeks
Councillors with other Local Authorities.	Time off for individuals carrying out duties as a councillor with a local authority.	Reasonable paid or unpaid time off at the Director's discretion	Paid/unpaid	At least twice the amount of leave being requested.
Election duties	Time off to undertake Polling Station duties or Counting in connection with Elections at the councils.	As needed.	Paid.	Prior to expression of interest being submitted to Elections.
Magistrate Duties	For employees to undertake duties as a magistrate.	Up to 26 half-day sessions per year.	Paid.	At least twice the amount of leave being requested.
School Governors	To undertake duties of a School Governor.	Reasonable time off	Paid	At least twice the amount of leave being requested.
Mayoral Duties (Mayor's Consort or Mayoress)	To undertake official duties	12 days	Paid	At least twice the amount of leave being requested.
Other Public Duties	Time off for employees who hold certain public positions to perform the duties associated with them (e.g. members of health authorities, police authorities, or statutory tribunals)	Reasonable time off	Paid	At least twice the amount of leave being requested.

## Working Hours

All employees will have their standard working week, hours, pattern, and flexi credit/debit limit (if applicable) detailed in their written statement of particulars, or in writing following any change. The pattern of work will depend on the needs of the service and can be flexible, annualised, set hours or on a rota basis as detailed in the Flexible Working Policy.

## Giving notice of leave

Employees must give notice of their intention to take flexi, TOIL, or annual leave and that the notice must be at least twice as long as the amount of leave to be taken. In the event of an emergency or unanticipated situation the manager can apply their discretion.

In approving leave requests Managers should consider service delivery and the required staff levels. This could mean that annual leave requests may be refused.

Requests for leave of three weeks or more will require approval from the appropriate Director.

In emergency situations employees should contact their manager as soon as possible.

## Flexi Time

Flexi-time is intended to support the variable needs of the service in conjunction with offering increased flexibility for employees. Flexi time should only be accrued where there is a business need and should not be used to regularly take the same days/hours off work. If a temporary or permanent change to working hours is required, the flexible working policy should be used.

The approach to flexi time follows these key principles:

- The needs of the service take precedence over all flexi-time arrangements. Due to this, the application of the policy will vary across services.
- Flexi leave should be booked in advance up to the maximum allowance of days (including half days) in any month/year. Flexi should only be booked once sufficient hours have been accrued.
- Subject to manager approval, there is no minimum daily hours attendance. However, if less than a half day is worked, the remainder must be pre-booked and authorised as a half day flexi and will be deducted from the monthly and yearly balance.
- Flexi time can be worked between 7.30am and 7.30pm, in line with the needs of the service and building/workplace opening times. Time worked outside of these hours will only be credited if it has been previously authorised by a manager and will be accrued as TOIL.
- Breaks can be taken at any time, but if more than 6 hours are worked a minimum of half an hour should be taken.
- Employees must always ensure they clock out when taking a break. This includes for smoking, eating, personal phone calls, or preparing food.
- Flexi time operates on a four-week cycle. Employees should not exceed the credit or debit limit at the end of the cycle. Employees who exceed the credit limit will lose the additional hours. Employees who exceed the debit limit for 2 consecutive months may lose access to the scheme on a temporary basis. Employees who persistently exceed the debit limit may be permanently removed from the scheme.

- Off-site meetings/training will be credited on the scheme, including excess travel time. Overnight stays are not eligible for flexi-time credit.
- When an employee leaves, the flexi credit/debit balances should be at zero. Hours owed may be deducted from the final salary; excess hours will be lost.
- Abuse of the scheme for personal gain may be considered to be gross misconduct.
- The councils reserve the right to suspend the scheme at any time.

The following 4-week carryover credit and debit limits apply to all flexi employees.

<b>Terms and conditions</b>	<b>Credit limit</b>	<b>Debit limit</b>	<b>Flexi leave allowance</b>
SRBC	74 hours (2 weeks)	-10 hours.	Up to 1 full day flexi leave per fortnight, to a maximum of 26 per year.
Chorley	21.75 hours (3 days)	-10.85 hours	Up to 2 full days, or 4 half days, flexi leave per 4 week period, up to a maximum of 13 full flexi leave days per year.
Shared Services	40 hours until April 2021, 30 hours until July 2021 and then 21.75 hours from October 2021, (with a review at each point).	-10.85 hours	Up to 2 full days, or 4 half days, flexi leave per 4 week period, up to a maximum of 18 full flexi leave days per year

Certain activities can take place during work time, they include giving blood/blood products, collection of ballot box, collecting canvas documentation, ante natal appointments, cancer screening, and occupational health appointments including physio and counselling.

## Annual Leave and Public Holidays

The annual leave year and your entitlements are detailed in your WSP and are in addition to 8 public holidays and 3 additional Christmas leave days., For part years worked annual leave will be calculated on a pro rata basis.

Continuous Local Government Service will be used for the calculation of annual leave entitlement for new employees.

It is expected that employees will be provided with the opportunity to take all their leave within a leave year. If employees do not book sufficient leave managers may impose a period of annual leave, by giving twice as much notice as the leave to be taken.

Three days is ordinarily the maximum leave allowed to be carried forward to the next annual leave year.



## Time off in Lieu (TOIL)

TOIL is time accrued outside of the usual service bandwidth. TOIL must be agreed and authorised in advance and accurately recorded. TOIL should be taken in line with the needs of the service.

TOIL will be applied on a plain time basis, there are no grounds for any enhancements. Accumulated TOIL should not ordinarily be converted into overtime payments.

## Buying special leave

Employees who require additional leave have the option to buy up to 10 days leave per leave year, pro rata for part time staff. Approval for buying leave will be given by Managers in consultation with Directors and acceptance is not guaranteed, as approval will be subject to maintaining service provision.

Payment for buying leave will be via salary sacrifice. This means staff will exchange part of their salary to purchase the leave at the rate of 1/260<sup>th</sup> of annual basic salary for each day. Salary sacrifice means that employees benefit from not paying tax or NI contributions on the sacrificed amount, and then employer makes savings of employers NI contributions. Monthly deductions will be made from salary over the remainder of the leave year.

Salary sacrifice agreements made under this scheme will not affect payments made for pension, redundancy or overtime however anyone considering purchasing additional leave needs to be aware that it could affect the amount received in any statutory payment calculations. This would potentially affect maternity pay, paternity pay, and adoption pay.

When additional leave is purchased it will then be treated the same as normal annual leave. The additional bought leave is not refundable, and no additional carry forward allowance will be given.

## Emergency Dependent Leave

An employee is entitled to take a reasonable time off work in order to deal with an emergency involving a dependant:

- To provide assistance when a dependant falls ill, gives birth, is injured or assaulted
- To make arrangements for the provision of care for a dependant who is ill or injured
- Because of the unexpected disruption or termination of arrangements for the care of a dependant
- And to deal with an incident, which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment, which the child attends, is responsible for him or her.

An employee must tell the employer as soon as reasonably practicable that time off is required. Managers should be aware that a request should not be unreasonably refused. Time off taken under these provisions in the Law is **not paid** and is for unforeseen circumstances only.

## Extended Leave

All employees regardless of length of service, can request a period of up to 6 months' unpaid leave. There is no right for this to be approved but consideration will be given to all requests.

The contract of employment continues throughout the period of your unpaid leave unless either party expressly ends it or it expires. However, during your period of unpaid leave:

- You will not be paid
- For periods of unpaid leave over 1 month, you will not accrue your contractual annual leave entitlement.
- If you are an essential car user, lease car user, or receive a travel allowance, no payments will be made during the period of your unpaid leave.
- If you are a member of the Your Pension Service (Local Government Pension Scheme), you should seek advice from the LCC Pensions Service regarding your payments and membership whilst on unpaid leave.
- You will have the right to return to the same job
- The change policy will apply to you in the same way it would apply if you were in work and you will be expected to engage fully with the process.

## Career Break

The Career break Scheme is available to all employees with at least 1 year's continuous service. The councils will consider applications for unpaid leave of up to 2 years on application to the Director.

Applications must include the reason for the career break (e.g travel). Employees on a career break will not be permitted to undertake paid employment with this or any another organisation unless explicitly agreed in advance. The councils reserve the right to terminate any employment break agreement, should this be breached.

Managers should meet with the employee to discuss the request, taking into consideration:

- The needs of the service
- The ability to arrange cover for the employee
- The employee's work and attendance record

During a career break:

- You will not be paid
- The time off will not constitute a break in continuous service. However, time spent on an employment break will not be counted as reckonable service with respect to sick pay, annual leave, maternity/paternity leave and pay, redundancy pay and any other statutory or occupational entitlement linked to reckonable service.
- You are entitled, where reasonable practicable, to return to a job at the equivalent salary level (taking into account the knowledge, skills and experience required to undertake the role effectively). However, there are no protections of salary /allowances and if no suitable post is found then you will exit the organisation without a compensatory payment.
- If you are a member of the Local Government Pension Scheme, you should seek advice from the LCC Pension Service regarding your payments and membership whilst on unpaid leave.

## Leave for court service

Most court service is for jury service, but you may also be called as a witness. Managers cannot refuse to release an employee for jury service but can request that the employee applies for a postponement in exceptional circumstances where their absence would have a serious detrimental impact on the service. Employees must provide evidence from the courts before leave can be granted.

Paid leave of absence will be granted for employees undertaking jury service. Where possible the employee should return to work for any time not required by the court during the period of jury service.

It would be contempt of court to prevent a person giving evidence in court, and employees should be permitted to attend court as a witness. However, there is no right for an employee to be paid by the councils to attend court as a witness for anything other than council related summons.

### Time off for trade union duties

Employees who are members of a trade union that is recognised by their employer have a statutory right to take a reasonable amount of paid and unpaid time off for certain union duties and activities.

It's important for union officials and representatives, and employers, to be reasonable in handling requests for time off for union duties and activities. There's no legal definition of 'reasonable time off'. You need to consider the:

- Council commitments
- Impact on Service delivery
- importance of health and safety at work
- amount of time off you've already had

Those seeking time off for trade union duties and/ or activities should provide their employer with as much notice as possible and give details of the purpose of the time off and how much time off is required. All time must be recorded.

### Employee Volunteering Days

The Employee Volunteering Day Scheme allows our people to spend up to three days (pro rata for part time) each year supporting charities, non-profit organisations and other services in the South Ribble & Chorley area.

This Scheme covers employees who already volunteer and those just starting out. The volunteering allowance can be used flexibly, one day at a time, two together or broken down into hours to fit the needs of the activity and the voluntary organisation or group. This will need to be agreed with the manager to ensure that whichever approach is taken it supports both the volunteering employee and the team's needs.

Employees will be allowed 3 working days (pro-rata) paid time off per year, provided that:

- The time has been agreed with the line manager at least two weeks in advance of the volunteering activity taking place so that cover arrangements can be made if necessary. As with annual leave, the needs of the service must be considered, and you must obtain agreement to volunteering leave before making any commitments to a voluntary organisation;
- Time taken to volunteer will not disrupt or adversely affect individual or team activity;
- There are no conflicts of interest, e.g. political campaigning;

- Where volunteering days are split over hours and take places regularly, this must be agreed with the manager and formally agreed in writing and HR notified;
- The 3 days pro-rata are taken within one leave year;
- The 3 days pro-rata are claimed on days when you would normally be working. Discretion can be exercised by the line manager to allow up to one non-working day to be claimed and the time credited to the employee;
- Activities undertaken are with organisations which are “not for profit”, this should normally be a constituted group or charity delivering services in the boroughs. Exceptions will be considered for out of borough volunteering, where there is a clear benefit to the council or employee;
- Any development activities undertaken benefit the role and service
- Employees will also be able to ‘top-up’ volunteering allowances with annual leave or unpaid leave if necessary.

Employees are trusted to use volunteering time for its purpose, any suspected instances of misuse will be investigated in accordance with the councils’ disciplinary procedures. As representatives of the councils your actions will directly reflect on the organisations. so all employees must act in line with the Employee Code of Conduct whilst volunteering. Any concerns with an employee’s conduct whilst volunteering will be investigated in line with the councils’ disciplinary procedures.

It is the manager’s responsibility to be satisfied that the employee has considered and accepted any risks associated with the proposed volunteering activity. The councils will not be liable for damages or injuries that occur whilst volunteering. It is the employee’s responsibility to ensure that the host organisation has its own Public Liability Insurance in place as required. The host organisation is responsible for ensuring any required safeguarding checks are processed and in place prior to the start of the volunteering activity.

### Leaving the councils

If leaving the councils any outstanding leave should be taken before the last day of employment, as payment for any unused leave will not be made.

Ordinarily any TOIL/flexi hours accrued and not used prior to leaving the councils’ employment will be lost. Pay in lieu will only be made with Director approval.