



HOUGHTON REGIS TOWN COUNCIL

LEAVE ENTITLEMENTS

Adopted: 30th July 2007
Reviewed: 27th February 2013
Reviewed: 21st March 2016

Contents

- 1. Introduction to Houghton Regis Town Council Work-Life Balance Policies**
 - Policy Aims and Objectives
- 2. Overview of Leave**
- 3. Leave Entitlements**
 - 3.1 Annual Leave**
 - 3.2 Family Leave**
 - 3.3 Dependency Leave**
 - 3.4 Compassionate Leave**
 - 3.5 Carer Leave**
 - 3.6 Leave of Absence**
- 4. Public Service Leave**
 - Jury service
 - Election duties
 - Service in non-regular forces
 - School governor
 - Magistrate
 - Council member
 - Special constable or retained fire-fighter
- 5. The Legislative Framework**
 - Employment Law
 - Data Protection
- 6. Responsibilities**
- 7. Communication and Information**
- 8. Complaints procedure**
- 9. Points to Note**
- 10. Monitoring of the policy**
- 11. Further help and advice**

1. Introduction

At Houghton Regis Town Council we understand that people increasingly face the challenge of balancing the demands of their jobs with their personal responsibilities. There are clear benefits for all to be derived from a flexible approach to working. Work-Life Balance Policies are aimed not only at people who have carer responsibilities for children, relatives or dependants including adopted or fostered children, partners and elderly or sick relatives, but all employees who wish to create a better balance in the differing aspects of their lives.

Policy aims and objectives

This policy is provided to all Houghton Regis Town Council employees to support them in their job role. The aims are:

- To offer a comprehensive range of flexible working practices in order to assist employees manage their home and work-life in a balanced way;
- To provide employees with the information and support required to make an informed decision about the work and home life;
- To comply at all times to Employment legislation.

The objectives are to produce clear and concise guidance to all employees who work for Houghton Regis Town Council and for them to understand the ways in which the Council can assist them manage their home and work-life responsibilities in a fair and equitable manner.

2. Overview of Leave

The Council recognises that there may be occasions where employees need to take rest breaks to recharge the batteries as well as take short periods of time off work to deal with family and other emergencies. By their very nature emergency situations are unplanned, requiring absence with little or no notice, calling for a flexible and sympathetic response. In order to help our employees deal with such situations, the following leave arrangements are available.

3. Leave Entitlements

3.1 Annual Leave

The Council's leave year runs from 1st April to 31st March. For employees who work a normal five-day week the annual leave entitlement is 20 days.

If an employee joins the Council's service part way through the leave year, they will be given a proportion of the allowance based on $1/12^{\text{th}}$ for each whole month remaining in the leave year.

*After 5 years continuous local government service, the above entitlements increase by an additional 5 days. Employees become eligible for this additional leave on the first day of the month following the anniversary of their start date. This additional leave is accrued on a pro rata basis at the rate of $1/12^{\text{th}}$ for each whole month up until the following 1st April when the full 5 additional days will be granted.

In addition to the annual leave shown above, employees are entitled to a further 2 statutory days, which can be taken the same as annual leave.

Employees may carry over up to 5 days annual leave from one year to the next with the approval of the Town Clerk.

3.1.1 Public Holidays

All full-time Houghton Regis Town Council employees are entitled to be paid for and take all public holidays as leave. There are usually 8 bank holidays in a leave year. For those employees who work flexibly, public holiday entitlements are calculated on a pro-rata basis dependent on the hours/days you work.

3.1.2 Council Half Day

An additional half day is usually granted on the last working day before Christmas.

3.1.3 Leave Calculations for those Employees who work flexible patterns

Leave is calculated on a pro-rata basis for those employees who work flexible patterns such as part-time and job-share i.e. directly proportional to the hours / days worked. This calculation includes bank and public holidays, the 2 extra statutory days and the Council Day. No leave entitlement will exceed that for a 37 hour week.

Part-Time 5 days per week (equal days):

If an employee works less than 37 hours per week but their hours are equally divided over 5 days then their leave entitlement is the same as for a full-time employee. The only difference is that each leave day will be proportionately shorter.

Part-Time less than 5 days per week (equal days):

If an employee works less than 5 days per week but works the same number of hours each day then their leave entitlement will be equal to 1/5th of the full time leave entitlement for each day worked, e.g. an employee who works 21 hours per week – 3 days at 7 hours - then their leave entitlement would be 3/5th of the full time entitlement to the nearest half-day.

Part-Time (unequal days):

For employees whose work pattern is not equally distributed throughout the week it may be easier to calculate leave entitlement in hours rather than days.

*Part-time employees who work days of varying lengths but who work the same hours each week are entitled to a pro-rata allowance based on $1/37^{\text{th}}$ of the above entitlement for each hour worked per week, e.g. an employee who works 20 hours per week would be entitled to $20 / 37^{\text{th}}$ of the above entitlement.

Casual and Variable hours employees:

For employees who do not work the same hours each week or who are employed on an as-and-when basis it is not possible to calculate a leave entitlement in advance. Leave entitlement for these employees has to be calculated retrospectively. For each hour worked an employee will earn 0.08438 hours leave.

3.1.4 New entrants to Local Government

If you join the Council part way through a leave year, you will be given a proportion of the allowance based on 1/ 12 for each whole month remaining in the leave year. However, if holiday arrangements have already been made the Council will endeavour to honour them. If employees transfer from the service of another local authority, then their leave entitlement may be transferred.

3.1.5 Termination of Employment

Employees leaving the Council will be entitled to one-twelfth of their annual leave entitlement for each completed month in the current leave year. If the entitlement has been exceeded, the excess will be recovered from their final salary payment. Payment will not normally be made in respect of unused leave entitlement.

You will be paid your full contractual rate of pay for all authorised absence on annual leave.

3.2 Family Leave

The law relating to maternity , paternity and parental leave was amended by the Work and Families Act 2006. This policy has now been written to reflect changes already enforced and to enable the flexibility for Council to adopt legislation without rewriting its policies. The legislation, employer's and employees' responsibilities are readily available from ACAS and DTI and should be the first point of reference. The regulations are briefly set out below.

3.2.1 Maternity Leave

As at 3.2, employees and Houghton Regis Town should consult the ACAS and DTI websites for clarification. As at June 2007 employees should notify HRTC, by the end of the 15th week before expected week of childbirth that

- She is pregnant
- The expected week of childbirth (confirmed by medical certificate)
- The intended start date of maternity leave. This is not normally earlier than the 11th week before due date

HRTC, within 28 days, must respond giving her expected return date, which the employee may alter giving 8 weeks notice. Employees with 26 weeks continuous service by the beginning of the 14th week before expected due date are entitled to 26 weeks additional to 26 weeks maternity leave, ie 52 weeks leave (plus accrued annual leave). A woman may expect to return to her original job, or if to reasonably practical, a suitable alternative job.

3.2.2 Paternity Leave

Fathers have the right of up to 2 weeks paternity leave following the birth of their biological child. To be eligible certain conditions apply, such as 26 weeks service and informing HRTC by the end of the 15th week prior to delivery date.

3.2.3 Parental Leave

Parental leave is the right to take time off to look after a child or make arrangements for the child's welfare. The right to parental leave entitles all eligible employees who have completed one year's qualifying service to take a period of unpaid leave to care for each child born or adopted on or after 15 December 1994 (on or after 15 December 1981 in the case of a disabled child). The right applies to mothers and fathers and to a person who has obtained formal parental responsibility for a child under the Children Act or its Scottish equivalent. Parents are able to start taking parental leave as soon as the child is born or placed for adoption, or as soon as they have completed the required one year's qualifying service with their employer, whichever is later. Changes to the right were introduced on 10 January 2002, which benefit parents of disabled children and parents of children aged under 5 on 15 December 1999 (the date the right was first introduced).

3.2.4 Adoption Leave

Employees seeking to adopt a child have legal rights to leave and should seek advice.

3.3 Dependency Leave

3.3.1 Definition

For the purpose of this policy a dependent is defined as a spouse, child, parent or a person who reasonably relies on the employee for assistance and care. There may be emergency situations requiring your urgent absence from work, e.g.

- sudden illness or injury of your child or dependent;
- a child or dependant is involved in an accident or assaulted;
- failure of childcare or other care arrangements for dependants;
- unexpected school closure;
- if a child is involved in an incident at school;
- other urgent needs in respect of the 'care' situation.

3.3.2 Qualifying employees and Leave arrangements

All employees of Houghton Regis Town Council have access to time off for emergency leave for dependants.

Employees are entitled to take up to five working days paid leave per year, pro-rata for part-time employees.

Leave can be taken on an hourly, half-day or whole day basis but exceptionally all five days may be taken at once.

Emergency time off can also include in an emergency situation time off accompanying a sick dependant to their GP, dentist, clinic or hospital. This should not be used for pre-booked appointments or treatment.

With management agreement any requests for emergency leave that exceed the five days per annum maximum shall be taken from annual leave or be unpaid.

In cases where a dependent is sick rather than seriously ill consideration should be given to allow the employee some flexibility on start, finish and lunch times to enable them to care for their dependant.

3.3.3 Authorisation and recording of the Leave

Employees should always contact the Town Clerk in the first instance when an emergency situation arises.

Emergency leave will be discussed between the employee and the Town Clerk and timescales for the leave agreed including keeping the Town Clerk updated and informed at all times.

The Town Clerk is responsible for maintaining a record of leave taken.

3.4 Compassionate Leave

The Council recognises that employees may face at times distressing and personal situations for which the Town Clerk will want to use their discretion and allow employees to take leave outside their normal annual leave entitlements. The Town Clerk will ensure that those employees who need to take leave for compassionate reasons will be treated in a fair and sympathetic manner.

3.4.1 Definitions

For the purpose of this policy a close family member will include a husband, wife, partner, child, or parent, or person standing in loco parentis to the employee or to whom the employee stands in that relation. A family member will include grandparent, aunt, uncle, brother or sister.

3.4.2 Qualifying employees and Leave arrangements

For the death of a close family member up to five days paid leave may be granted. This period should include the funeral. In exceptional circumstances e.g. the death of a young child, extra days may be granted up to a maximum of ten days.

For the death of a family member one days paid leave should be given to attend the funeral plus an additional two days paid leave.

Any requests for compassionate leave that exceed the entitlements shown above shall be taken from annual leave or be unpaid leave of absence which will be granted with management's discretion.

3.4.2 Authorisation and recording of the Leave

Employees should always contact the Town Clerk where possible in the first instance when a death in the family occurs.

The appropriate number of day's compassionate leave will be agreed between you and the Town Clerk taking into account the personal circumstances.

Employees are responsible for keeping the Town Clerk updated and informed at all times.

The Town Clerk is responsible for maintaining a record of leave taken.

3.5. Carer Leave

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

Serious illness of a Husband, Wife, Partner, Son / Daughter or a close family member who requires constant care and attention in their own home, 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. Additional days paid leave will not normally be granted until employees have exhausted their annual leave entitlement. In very exceptional cases up to 10 days may be granted at the discretion of the Town Clerk and thereafter unpaid leave.

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 Care Leave Scheme should be used in circumstances where the illness is someone who is normally directly dependant on the employee for domestic support.

3.6 Leave of absence

Houghton Regis Town Council recognises there may be other domestic, personal or family situations that occur that are unplanned and urgent that fall outside all the other personal leave entitlements.

3.6.1 Definitions

Leave of absence will be given where an employee has exhausted all other entitlements, including annual and flexi-leave where reasonable time off is still required.

3.6.2 Qualifying Employees and Leave Arrangements

All employees of Houghton Regis Town Council are eligible to request leave of absence. This would mainly apply to those employees who have exhausted all other leave entitlements. In most situations leave of absence will be unpaid.

Unplanned domestic emergencies such as a broken boiler at home, a burglary, or flood etc may also warrant unpaid leave

Dental and Optician Appointments

Employees are expected to make appointments out of core work time wherever possible. 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 one hour may be granted at the discretion of the Town Clerk.

Doctor and Hospital Appointments

Employees are encouraged to request appointments out of core work time wherever possible. 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 may be granted at the discretion of the Town Clerk. If an employee has a hospital appointment outside of South Bedfordshire and Luton, paid leave of a half/whole day may be granted at the discretion of the Town Clerk. If an employee has to undergo any form of invasive treatment or attend a day clinic, paid leave of up to a day may be granted at the Town Clerk discretion.

Employees are required to submit a medical appointment card or letter to the Town Clerk to support the request for leave of absence.

3.6.3 Authorisation and recording of the Leave

Employees should always contact the Town Clerk where possible in the first instance explaining the reason for requesting leave of absence.

The appropriate number of hours/day's leave will be agreed between you and the Town Clerk, whether paid or unpaid taking into account the personal circumstances.

Employees are responsible for keeping the Town Clerk updated and informed at all times.

The Town Clerk is responsible for maintaining a record of leave taken and informing Payroll to ensure adjustments are made to an employee's pay if appropriate.

4 Public Service Leave

Houghton Regis Town Council supports employees who wish to take up public duties. Employees who take up certain public duties as defined below will be entitled to paid time off to carry out these duties, where such duties cannot reasonably be carried out in the employee's own time.

4.1 Definitions

For the purposes of this policy public duties are defined as:

- Jury service
- Election duties
- Service in non-regular forces
- School governor
- Magistrate
- Council member

- Special constable or retained fire-fighter

4.2 Leave Arrangements

Jury Service

- Any Houghton Regis Town Council employee receiving a summons to serve on a jury should notify the Town Clerk in the first instance;
- The employee will be able to claim an allowance for loss of earnings; this will be reflected in the employee's pay;
- Employees are responsible for keeping the Town Clerk updated and informed at all times;
- If for whatever reason an employee is not required to attend proceedings on a particular day, they are to return back to work as soon as possible;
- The Town Clerk is responsible for maintaining a record of leave taken and informing Payroll to ensure appropriate adjustments are made to an employee's pay;

Election Duties

- Employees who act as presiding officers, poll clerks or counting officers (where the count takes place during normal working hours) are entitled to paid leave;
- Employees should consult the Town Clerk and obtain permission before accepting the appointment, as the needs of the service should not be affected;
- Leave will be given for the hours, which normally would have been worked that day;
- The Town Clerk is responsible for maintaining a record of leave taken;

Service in non-regular forces

- Employees who are members of the non-regular forces who are required to attend summer camp will receive paid leave;
- Two week's leave will be given to those employees who have less than five years local government service or are on spinal column point 28 or below;
- One week's leave will be given to those employees who are on spinal column point 29 or above;
- Employees who are members of the Territorial Army who are required to undertake training in addition to summer camp should arrange for such training to be on days when they would not normally be working.
- If this is not possible then the employee should provide the Town Clerk with alternative dates so that agreement can be reached on when the employee can be absent on paid leave.

4.3 Other Public Duties

Those employees who undertake such duties as a School Governor, Magistrate, Council Member, Special Constable or Retained Fire-Fighter are entitled to paid leave of up to five days per annum, pro-rata for part-time employees; subject to the following:

- Employees should inform the Town Clerk of their intention to take up public duties before accepting the appointment;

- Employees must request time off in advance and support the request by evidence;
- Employees will not unreasonably be prevented from taking time off to fulfil their public duties but agreement must be reached with the Town Clerk about the timing of their absence to minimise the impact on service delivery;
- There must be no conflict of interest between the employee's work for the Council and their public duties as set out in the Code of Conduct;
- Employees have a responsibility to ensure that undertaking both public duties and their job role at the Council does not breach the statutory rest entitlements as published in the Working Time Regulations (WTR);
- The Town Clerk is able to grant additional time off for public duties at their absolute discretion.

5 The Legislative Framework

5.1 Employment Law

This Policy will help the Council meet its legal and moral responsibilities under current employment legislation:

5.2 Data Protection

The data supplied on the personal leave form is covered by the legal notifications provided by the Council under the Data Protection Act. 1998. The data will be used within the Council for the purposes of policy and equalities monitoring. The data will not be passed to any other third party without an employee's consent, except where the Council is required by law to do so.

6 Responsibilities

6.1 Employees in supporting this policy will:

- be responsible for familiarising themselves with this policy in accordance with other HRTC policies and procedures;
- be responsible for informing the Town Clerk of their particular requirements;
- bring to the attention of the Town Clerk any matters of unfair treatment.

6.2 The Town Clerk will:

- Advise on this policy/procedure;
- Provide awareness training for implementation of the policy;
- Work with managers to implement this policy;
- Review, monitor and evaluate policies.

7 Communication and Information

This policy is made available to all Houghton Regis Town Council contracted employees.

8 Complaints Procedure

If any employee considers that he or she is suffering from unequal treatment or deems the decision taken regarding leave was unfair he or she may make a complaint.

In the first instance employees will need to address their complaint with the Town Clerk where hopefully the issue will be resolved informally.

If the employee still continues to be unsatisfied with the decision made then the formal grievance procedure will apply.

9 Points to Note

9.1 Impact on Terms and Conditions of Employment

If an employee takes unpaid leave or is on reduced pay (includes adoption or parental leave) for a period of less than 31 days, the employee must pay pension contributions based on the pay they would have received if they had not been on such leave.

If an employee takes unpaid leave or is on reduced pay (includes adoption or parental leave) for a period of more than 30 days, the employee can elect to pay pension contributions for the whole period (up to a maximum absence period of 36 months) in order to maintain their full pension benefits.

An employee who is on jury service is still required to pay their pension contributions.

10 Monitoring

The Town Clerk will monitor the implementation of this policy and if any employee feels that the policy is not being applied consistently they should contact the Town Clerk. The abuse of this policy by any employee obtaining leave under false pretences will be considered serious and could result in disciplinary action.

11 Further help and advice

Advice, Conciliation and Arbitration Service - ACAS

Acas aims to improve organisations and working life through better employment relations.
www.acas.org.uk

Department of Trade and Industry – DTI

Employment Relations Directorate
www.dti.gov.uk/er

Unison – Work-life balance campaign

www.unison.org.uk/worklifebalance/index.asp

HOUGHTON REGIS TOWN COUNCIL

Leave Application Form

EMPLOYEE NAME: _____

JOB TITLE: _____

I WISH TO APPLY FOR THE FOLLOWING LEAVE:
(PLEASE CIRCLE APPROPRIATE LEAVE)

Dependency Leave	Compassionate Leave
Carer Leave	Leave of Absence
Public Service Leave	Other

Please explain the circumstances of your leave request:

DATES REQUESTED FROM:	/	/	TO:	/	/
------------------------------	---	---	------------	---	---

The data you supply on this form is covered by the legal notifications provided by the Council under the Data Protection Act. 1998. The data will be used within the council for the purposes of policy and equalities monitoring. Other departments within the Council may process the data i.e. payroll and human resources. The data will not be passed to any other third party without your consent, except where the Council is required by law to do so.

I have read and understood the leave entitlements policy and in particular the section for which I am now applying.

Signed _____ Date _____

I acknowledge receipt of your application for leave and authorise it accordingly.

Signed _____ Date _____

Print Name _____ Job Title _____

WHEN COMPLETED PLEASE FORWARD A COPY TO THE TOWN CLERK