

# Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577

Email: [democraticservices@rutland.gov.uk](mailto:democraticservices@rutland.gov.uk)

Ladies and Gentlemen,

A meeting of the **EMPLOYMENT AND APPEALS COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, LE15 6HP on **Tuesday, 26th March, 2024** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews  
**Chief Executive**

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at [www.rutland.gov.uk/my-council/have-your-say/](http://www.rutland.gov.uk/my-council/have-your-say/)

Although social distancing requirements have been lifted there is still limited available for members of the public. If you would like to reserve a seat, please contact the Democratic Services Team at [democraticservices@rutland.gov.uk](mailto:democraticservices@rutland.gov.uk). The audio of the meeting can also be listened to at <https://tinyurl.com/EAC260324>

## **A G E N D A**

### **1) WELCOME & APOLOGIES**

### **2) DECLARATIONS OF INTEREST**

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

### **3) MINUTES**

To confirm the Minutes of the Employment and Appeals Committee held on 10<sup>th</sup> October 2023 and receive an update on actions agreed in the minutes of the previous meeting.

(Pages 5 - 8)

**4) PETITIONS, DEPUTATIONS AND QUESTIONS**

To receive any petitions, deputations and questions received from members of the public in accordance with the provisions of Procedure Rule 93.

The total time allowed for this shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received.

Questions may also be submitted at short notice by giving a written copy to the Democratic Services Officer 15 minutes before the start of the meeting. The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes.

Any petitions, deputations and questions which have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions which are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

**5) QUESTIONS FROM MEMBERS**

To consider any questions received from Members of the Council in accordance with the provisions of Procedure Rule 95.

**6) NOTICES OF MOTION**

To consider any Notices of Motion from Members submitted under Procedure Rule 97.

**7) JOB FAMILIES POLICY**

To receive Report No.52/2024 from the Head of Human Resources.  
(Pages 9 - 16)

**8) GENDER PAY GAP REPORT**

To receive Report No.53/2024 from the Head of Human Resources.  
(Pages 17 - 22)

**9) UMBRELLA LEAVE POLICY**

To receive Report No.54/2024 from the Head of Human Resources.  
(Pages 23 - 38)

**10) ANY URGENT BUSINESS**

To receive items of urgent business which have previously been notified to the person presiding.

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**DISTRIBUTION**

**MEMBERS OF THE EMPLOYMENT AND APPEALS COMMITTEE:**

Councillor S Harvey (Chair)

Councillor D Ellison (Vice-Chair)

Councillor D Ellison

Councillor M Farina

Councillor A Johnson

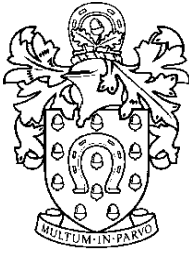
Councillor S McRobb

Councillor G Waller

Councillor C Wise

**Quorum: 3**

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# Rutland County Council

Catmose Oakham Rutland LE15 6HP

Telephone 01572 722577 Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

Minutes of the **MEETING of the EMPLOYMENT AND APPEALS COMMITTEE** held in the Council Chamber, Catmose, Oakham, LE15 6HP on Tuesday, 10th October, 2023 at 7.00 pm

**PRESENT:** Councillor S Harvey (Chair) Councillor D Ellison (Vice-Chair)  
Councillor M Farina Councillor S McRobb  
Councillor C Wise Councillor R Payne  
Councillor A Johnson

**ABSENT:** Councillor G Waller

**OFFICERS PRESENT:** Carol Snell Head of Human Resources  
Kirsty Nutton Strategic Director for Resources  
David Ebbage Democratic Services Officer

## 1 WELCOME AND APOLOGIES

Apologies were received from Councillor G Waller. Councillor R Payne attended the meeting as the representative for Councillor G Waller.

## 2 MINUTES

Consideration was given to the minutes of the meetings held on 17 April 2023.

It was moved by Councillor S Harvey and seconded that the minutes of the 17 April 2023 meeting be approved.

## RESOLVED

- a) That the minutes of the meetings held on 17 April 2023 be **APPROVED**.

## 3 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 4 APPOINTMENT OF VICE-CHAIRMAN

Nominations were invited for the position of Vice Chair of the Employment and Appeals Committee for the Municipal Year 2023-24.

Councillor D Ellison proposed, and this was seconded to be Vice-Chairman to the Employment and Appeals Committee, there were no other nominations. Upon being put to the vote this was unanimously carried.

## **RESOLVED**

- a) That Councillor D Ellison be **APPOINTED** Vice-Chairman of the Employment and Appeals Committee for the municipal year 2023-24

## **5 PETITIONS, DEPUTATIONS AND QUESTIONS**

No petitions deputations or questions had been received.

## **6 QUESTIONS FROM MEMBERS**

No questions with notice from Members had been received.

## **7 NOTICES OF MOTION**

No notices of motion had been received.

## **8 HR POLICY**

Report No.147/2023 was introduced by Carol Snell, Head of Human Resources.

The report was asking for approval to the refreshed Restructure Policy. The Council's Restructure Policy provided us with a clear framework that enabled the Council to effectively manage employee implications arising from organisational change e.g. restructures.

The Head of Human Resources briefly went through the proposed changes with Members and Members were then able to ask questions on the policy.

Members were overall very happy with the refreshed policy and thought it was very well written.

It was moved by Councillor S Harvey and seconded that the recommendations be approved. Upon being put to the vote, the motion was unanimously carried.

## **RESOLVED**

That Committee:

- a) **APPROVED** the updated Restructure Policy.

## **9 DISMISSAL APPEAL HEARINGS**

Carol Snell, Head of Human Resources recently proposed at the Constitution Commission an amendment on the Council's officer procedure rules and within the Constitution with regards to hearing of appeals when an employee has been dismissed by the Council.

The proposal was put forward to move away from a Member appeal process and for it to be managed by officers. This would be consistent with the Council's Probation and Grievance Policies.

Members were in agreement with the proposal and felt it was the appropriate approach to take having an appeals process in place without Member involvement.

It was moved by Councillor S Harvey and seconded that the proposal be approved. Upon being put to the vote, the motion was unanimously carried.

## **RESOLVED**

That Committee:

- a) **APPROVED** that any appeals against a dismissal arising from any employment process would be heard by an Officer led appeals panel.

## **10 ANY URGENT BUSINESS**

The Chair wanted a piece of work to take place on the level of vacancies and future staff retention within the Council. To look at and analyse staff movements per year in each department and if there are any departmental initiatives taking place. It was agreed for a meeting to take place next year around this.

As it was the Head of Human Resources last meeting before leaving the authority, the Chair thanked them for all their knowledge, help and hard work on this Committee.

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**The Chairman declared the meeting closed at 7.50pm.**

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## EMPLOYMENT AND APPEALS COMMITTEE

26 March 2024

### JOB FAMILIES POLICY

#### Report of the Strategic Director for Resources

Strategic Aim	Providing good public services	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr A Johnson, Deputy Leader and Portfolio Holder for Resources	
Contact Officer(s):	Kirsty Nutton, Strategic Director of Resources (s.151 Officer)	01572 758159 knutton@rutland.gov.uk
	Fiona Rowntree, Head of Human Resource & Organisation Development	Email: frowntree@rutland.gov.uk
Ward Councillors	N/A	

## 1 SUMMARY AND RECOMMENDATIONS

### 1.1 Summary

1.1.1 The Council has introduced job families as a mechanism to streamline the job evaluation process for jobs graded 1 to PO5. This report proposes changes to the Council's Job Evaluation Policy to reflect the current practice and make minor adjustments to the policy as well as improving the wording.

### 1.2 Recommendations

1. The Committee approves the revised draft Job Evaluation Policy.

### 1.3 Reasons for Recommendations

1.3.1 To update the Job Evaluation in line with practice, to reflect the use of job families for evaluations and minor adjustments.

## 2 REPORT

### 2.1 Introduction

2.1.1 Job evaluation is a structured process that enables the Council to ensure that it is paying roles fairly and objectively and helps to provide a defence against equal pay claims, particularly claims of equal pay for equal value.

- 2.1.2 The Council has moved to a Job Family process to evaluate jobs on Grades 1 to PO5 of the Council's pay and grading structure. This approach has been successful in streamlining the evaluation process and improving the turnaround times for jobs to be evaluated.
- 2.1.3 The Job Evaluation Policy has been updated to reflect current practice and make some minor adjustments to the policy.
- 2.1.4 The draft revised Policy is attached as an Appendix to this Report.

## **2.2 Proposed Changes**

- 2.2.1 In reviewing the Job Evaluation Policy to take account of the introduction of Job Families, there are proposed changes to improve the wording so that the document is easier to read. The more substantive changes to the current Job Evaluation Policy are set out below.
- 2.2.2 Evaluation of Career Grades – evaluations will be undertaken at entry and exit points only of a Career Grade, rather than each level. This provides flexibility for the 'break points' and levels within the overall career grade structure. (para 3.8)
- 2.2.3 Clarifying the Job Family approach to job evaluation (para 4)
- 2.2.4 Updated reference to the membership of the Job Evaluation Steering Group and its representation (para 4.2).
- 2.2.5 Amendment to the pay protection provision – in line with the restructure policy (para 5).
- 2.2.6 A shorter appeals process – a Job Evaluation Steering Group member to undertake a full scoring (para 6).
- 2.2.7 Inclusion of "An employee cannot appeal the grade of a new post until they have been in the post for six months" (para 6.2).
- 2.2.8 To provide a clear separation of role for a Job Evaluation Steering Group member, so that their involvement is at appeal stage, with HR being involved at the initial job evaluation process/matching to the job family framework (paras 4.2 and 6.4)
- 2.2.9 There are no other policy changes recommended.

## **2.3 Options Considered**

- 2.3.1 Alternative options have not been considered, as the proposed revisions to the Policy reflect current practice and make minor improvements.

## **2.4 Background**

- 2.4.1 Not applicable.

## **2.5 Consultation**

- 2.5.1 Union consultation has taken place and approval gained on 21 November 2023.

### **3 IMPLICATIONS OF THE RECOMMENDATION**

#### **3.1 FINANCIAL IMPLICATIONS**

3.1.1 This section has been approved by Kirsty Nutton, Strategic Director of Resources (s.151)

3.2 There are no financial issues arising from this Report.

#### **3.3 LEGAL IMPLICATIONS**

3.3.1 This section has been approved by Sarah Khawaja, Head of Legal & Democratic Services.

3.3.2 As set out in Section 2.1.1, job evaluation helps to provide a defence against claims of equal pay, providing a fair and objective mechanism to place a value on different roles within an organisation.

#### **3.4 Risk Management Implications**

3.4.1 There are no risks arising from the recommendations of this Report.

#### **3.5 DATA PROTECTION IMPLICATIONS**

3.5.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identified risks or issues to the rights and freedoms of individuals.

#### **3.6 EQUALITY IMPLICATIONS**

3.6.1 An Equality Impact Assessment (EqIA) has not been completed as the changes proposed do not impact on individuals or groups on the basis of a protected characteristic. Job evaluation itself supports equality in pay.

#### **3.7 COMMUNITY SAFETY IMPLICATIONS**

3.7.1 The Council has a duty in accordance with S17 Crime and Disorder Act 1988, when exercising its functions, to have due regard to the likely effect of that exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social behaviour).

3.7.2 This duty has been considered and there are no community safety implications relating to the recommendations.

#### **3.8 HEALTH AND WELLBEING IMPLICATIONS**

3.8.1 There are no health and wellbeing implications arising from the recommendations in this Report.

#### **3.9 ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS**

3.9.1 On 11 January 2021 Rutland County Council acknowledged that it was in a climate emergency. The Council understands that it needs to take urgent action to address it.

3.9.2 There are no environmental or climate change implications of the

Recommendations.

### **3.10 PROCUREMENT IMPLICATIONS**

3.10.1 There are no procurement implications arising from the Recommendations within this Report.

### **3.11 HR IMPLICATIONS**

3.11.1 The job evaluation system supports good employee relations and fairness by providing an objective means of analysing the responsibilities and features of different roles to establish pay levels.

3.11.2 The Recommendations ensure that the Council's Job Evaluation Policy reflects current practice, particularly the references to job families, to provide transparency for managers and employees. Other amendments provide independence in roles within the job evaluation policy to assist with fairness.

## **4 BACKGROUND PAPERS**

4.1 Not applicable

## **5 APPENDICES**

5.1 The draft revised Job Evaluation Policy is attached as Appendix A to this Report.

An Accessible Version of this Report is available upon request – Contact 01572 722577.

## Section 1. Introduction and Purpose

- 1.1 Job Evaluation (JE) provides a systematic and consistent approach to defining the relative worth of jobs. It enables us to place jobs in a rank order based on the tasks, duties and responsibility of the role.
- 1.2 This policy seeks to achieve:
  - a) All jobs within the Council are fairly and equitably compensated – jobs of a similar value or worth are paid similarly. This helps prevent discrimination and bias in pay and ensures that employees are rewarded based on the responsibilities and requirements of their roles.
  - b) Transparency in how the Council establishes a grade against our pay and grading structure.
  - c) Management and control of any risk relating to pay discrimination.
  - d) The integrity and governance of the Council's pay structure; monitoring grade movement against organisational change and thereby avoiding 'wage drift' through artificial grade inflation.
- 1.3 The Pay and grading structure is outlined in the Council's annual Pay Policy. The Council will adopt and apply an appropriate JE scheme as outlined in this policy – this may change from time to time to meet organisational needs and ensure the ongoing integrity of the pay structure.
- 1.4 All new posts will be evaluated to determine the grade and pay scale for the role. Posts may be advertised 'pending evaluation' but the grade must be confirmed prior to an offer of employment.

## 2. Job Evaluation Scheme

- 2.1 The grading structure of the Chief Executive and Chief Officer posts is determined by a job evaluation process (supported by the Local Government Association). Analysis is undertaken against a factor/scoring matrix and verified externally by the LGA. This provides for an external perspective and validation.
- 2.2 All other posts within the pay structure of Grades 1 to P05 are evaluated through the corporate scheme and process as outlined in the policy. The score of a job determines the grade which in turn determines the pay range. In 2023 the Council adopted a 'Job Families' approach to evaluation.
- 2.3 In all cases, Managers must complete a template job description (JD).

### **3. Grading requests**

- 3.1 Requests for re-evaluation of an existing post can be made by an employee or their line manager and should be approved at Head of Service/equivalent level. Regrading's at Head of Service/equivalent level must be approved by the relevant Strategic Director.
- 3.2 Such requests would be where:
  - a) there has been a substantial increase or decrease in the duties or responsibilities of the role OR
  - b) there has been a transfer of duties between posts such as the nature of each role is substantially altered.
- 3.3 It is a manager's responsibility to 'manage' the process and resolve any issues or disagreements about the role being submitted or re-evaluated.
- 3.4 New posts as part of a service review/restructure should be evaluated as part of the design of the new structure.
- 3.5. A post should only be evaluated once within a 12-month period unless there are exceptional circumstances eg. Further organisational change.
- 3.6 No guarantee will be made that a re-evaluation of a role will increase the grade – potential outcomes include a lower grade or the grade stays the same.
- 3.7 Where an anticipated/expected grade outcome is 3 or more grades difference, consideration will be given as to whether the role is sufficiently different to justify a 'restructure' or change of role.
- 3.8 For career graded posts, entry and exit points of the career grade will be evaluated independently. The scheme will contain specific and supplementary information relating to criteria and conditions for progression.

### **4. Job Evaluation process**

- 4.1 Evaluations will be undertaken based on the job description (JD) – where the JD is not considered to be of an appropriate standard or quality and therefore hindering an evaluation, it will be referred back to the line manager.
- 4.2 Analysis and assessment of the JD will be undertaken by the HR team who have been trained in JE analysis.
- 4.3 Where necessary and to assist with the evaluation, supplementary information may be requested from the line manager.
- 4.4 Jobs will be matched against a Role Profile within the Job Family Framework. The Job Families profiles have been developed from job descriptions and full evaluation scoring profiles – thereby reflecting accountabilities and responsibilities of typical roles within that grade, alongside the demands and challenges.

4.5 If it is not possible to evaluate a role against the Job Families Framework, a full JE scoring can be undertaken.

## 5. Pay implications

5.1 If the grade outcome is one grade lower than the employee's existing grade, they will receive salary protection for one year; pay is frozen at existing level (ie. there will be no increments nor pay award applied). Where the grade is 2 grades or more lower, the Restructure Policy should be considered.

5.2 Where the grade outcome is higher than the substantive grade:

- a) The employee will move to the bottom spinal column point of the new grade.
- b) The pay change will be effective from the effective date of changes to the role, i.e., through a restructuring process or other planned/emerging changes.
- c) Any backdating will be restricted to 3 months prior to the date the amended JD was finalised by the line manager and job holder.

## 6. Grading appeals

6.1 If the post holder is dissatisfied with the grade outcome, they have the right of appeal. An appeal is against the evaluation outcome and not against the scheme itself, the pay and grading structure or the content of the job description.

6.2 An employee cannot appeal a new post until they have been in the post for six months.

6.3 The appeal must be submitted in writing to the employee's line manager with a copy to Human Resources within 10 working days of the date on the written confirmation of the grading decision.

6.4 A member of the Job Evaluation Steering Group (JESG) will review the initial matching against the Job Family model and carry out a further analysis and if necessary, 'scoring' of the job. This will be reviewed by at least one other member of the JESG. *(JESG will compromise individuals from across directorates and will be amended from time to time to ensure cross organisatoin representation and a broad range of experience and skill in Job Evaluation).*

6.5 The outcome of the re-evaluation will be provided to the line manager and employee with a summary of the assessment.

6.6 There will be no further right of appeal.

Version & Policy Number	Version 4
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Guardian	Human Resources
Date Produced	October 2023

Approved by CLT	17 November 2023
Approved by Unison	
Approved by EAC	

DRAFT



**EMPLOYMENT AND APPEALS COMMITTEE**

26 March 2024

**GENDER PAY GAP**

**Report of the Strategic Director of Resources**

Strategic Aim:	Providing good public services	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr A Johnson, Deputy Leader and Portfolio Holder for Resources	
Contact Officer(s):	Kirsty Nutton, Strategic Director of Resources (s.151 Officer)	01572 758159 knutton@rutland.gov.uk
	Fiona Rowntree Head of Human Resource and Organisation Development	Telephone <a href="mailto:frowntree@rutland.gov.uk">frowntree@rutland.gov.uk</a>
Ward Councillors	Not applicable	

**DECISION RECOMMENDATIONS**

That the Committee:

1. Notes the Council’s Gender Pay gap data for the reporting period as at 31 March 2023 and the commentary/comparison to the previous reporting periods.

**1 PURPOSE OF THE REPORT**

- 1.1 To advise the Committee of our Gender Pay Gap data as of 31 March 2023 and to provide some commentary to help understand what it means for the Council.

**2 REPORTING REQUIREMENTS**

- 2.1 Any employer with 250 or more employees as at the qualifying date (31 March) each year, must report their Gender Pay Gap Data by 30 March the following year. The legal requirement came into effect on 6 April 2017 as part of the Equality Act 2010 (Gender Pay Gap Information) Regulations.
- 2.2 In summary, the Gender Pay Gap is defined as ‘the difference between the pay of men and women.’ There are two measures – Median hourly pay and Mean (Average) hourly pay. Each is represented as a percentage of the difference with men’s pay.

- 2.3 The regulations outline the methodology and process for determining the data and the outcome. 'Pay' that is included is – basic pay, paid leave (including annual leave, sick leave, maternity, paternity, adoption and parental leave), allowances, shift premium pay. Employees at Rutland do not receive bonuses. 'Pay' does not include – overtime pay, expenses, redundancy payments and tax credit.
- 2.4 This represents our 7<sup>th</sup> year of reporting and the data shown below includes comparator data for all of the previous reporting periods.
- 2.5 The Council is required to submit our data to the Government website and publish it on the Council's own website.
- 2.6 The Council's pay levels reflect national pay awards which are effective from 1 April each year. Therefore the 31 March 2023 pay data reflects the pay rates from the pay award implemented on 1 April 2022.

### 3 GENDER PAY GAP – 2017 TO 2023

- 3.1 The following chart shows the full comparator data:

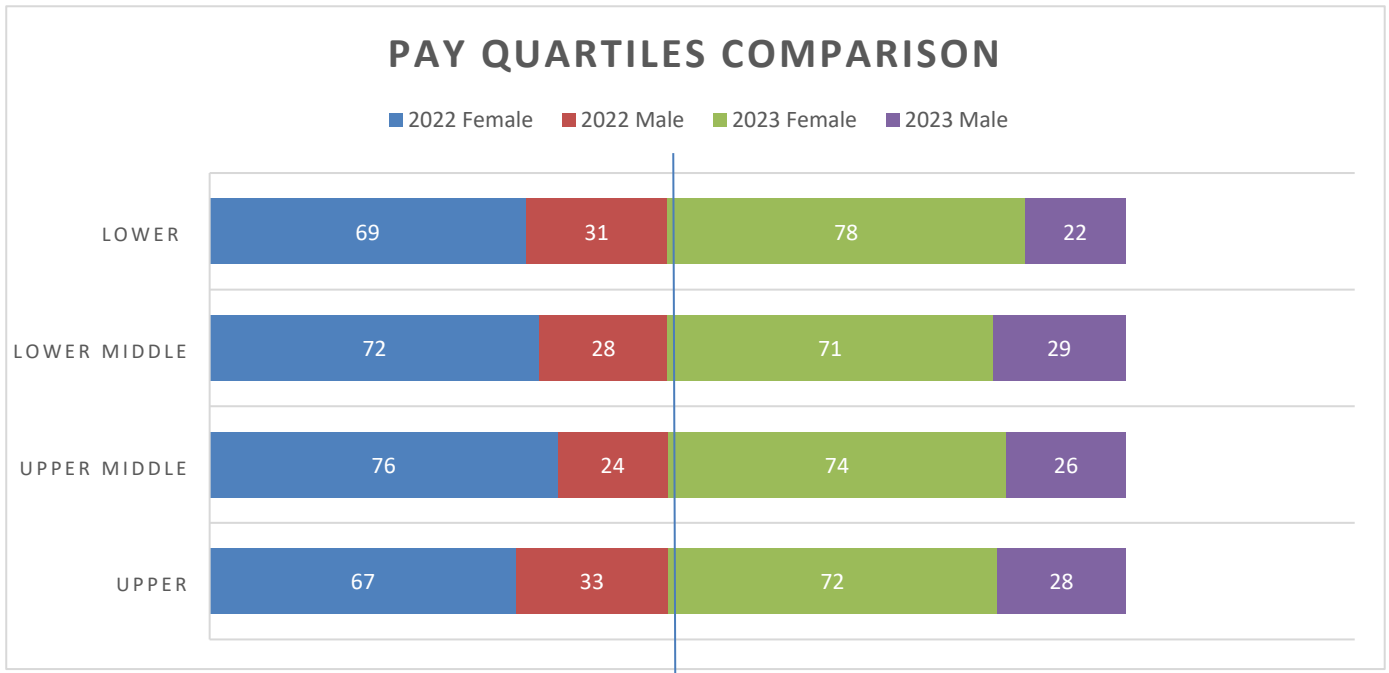
As at 31 March	2017	2018	2019	2020	2021	2022	2023
Median	12.3%	-1.54%	5.3%	-6%	5.7%	-4.02%	<b>-1.8%</b>
Mean (average)	14.2%	5.7%	11.3%	9.41%	6.7%	3.79%	<b>1.64%</b>

- 3.2 The following tables provides the comparison of the Median and Mean hourly rates:

Median	2017	2018	2019	2020	2021	2022	2023
Female	£11.62	£12.50	£12.40	£12.85	£13.21	£13.71	<b>£15.26</b>
Male	£13.25	£12.31	£13.08	£12.22	£14.02	£13.18	<b>£14.99</b>

Mean	2017	2018	2019	2020	2021	2022	2023
Female	£12.75	£13.89	£13.73	£13.48	£15.03	£15.24	<b>£16.80</b>
Male	£14.86	£14.73	£15.47	£14.88	£16.12	£15.84	<b>£17.08</b>

- 3.3 We are also required to report on 'quartiles' which shows the proportion of male and female relevant employees in four quartile bands. To do this we rank all relevant employees from highest to lowest and then divide into four equal parts – 'quartiles'. The following chart shows the comparisons between 2022 and 2023.



## 4 UNDERSTANDING THE DATA

4.1 Previous reports have reflected on the specific findings each year. We have also learnt and improved our understanding of the factors behind the data – ie. what is this telling us, and if there is anything we need to change or improve.

### 4.2 In Summary:

4.2.1 The overall data is showing that the median hourly rate for females was higher than the median for males as of 31 March 2023 – this was the case in 2022 although the gap was larger.

4.2.2 We can see from the chart in para 3.1 that the median percentage has varied and swung over the reporting periods – we have previously reported on this and the link to natural changes through the year in the workforce eg. starters, leavers.

4.2.3 For the mean salary – on average the male workforce earns 28p more than females – this has continued the trend since 2019 of a reducing gap in average hourly rates.

4.2.4 Members are reminded that the Gender Pay Gap is not the same as Equal Pay – this data does not therefore reflect an equal pay issue which is about men and women receiving equal pay for doing equal work.

### 4.3 What are other factors?

4.3.1 Given the size of our workforce, any size of shift or sway between the ratio of male to female across the organisation can have an impact. We can see this in the quartile chart eg. increases in the proportion of females in both the Upper and Lower quartiles.

4.3.2 We can also see from our overall gender profile as follows;

As at 31 March	2020	2021	2022	2023
Male	25%	26.6%	28.8%	25.5%
Female	75%	73.4%	71.2%	74.5%

4.3.3 If we also look at our profile of starters and leavers:

- New starters –

	2019-20	2021-21	2021-22	2022-23
Male	24%	28%	39.7%	25.8%
Female	76%	72%	60.3%	74.2%

- And for Leavers –

	2019-20	2021-21	2021-22	2022-23
Male	20%	19%	25.6%	38.4%
Female	80%	81%	74.4%	61.6%

4.3.4 The relevance of this movement and indeed our rate of turnover has on actual pay level is because new starters tend to start at the lower end of the pay scale compared to a leaver, who is more likely to have reached the higher end of the pay scale.

#### 4.4 Conclusions

4.4.1 As previously reported, there are no emerging issues or concerns from this data. Our job evaluation system and pay and grading structure provides for a fair and consistent pay mechanism that has no connection as to whether a post holder is male or female. Furthermore, our recruitment process is built on appointment decisions based on merit and to avoid gender bias.

### 5 REGIONAL COMPARATOR DATA

5.1 Due to reporting timescales, it has not been possible to provide comparison data for the current period as other authorities, as us, are just reporting on their data for 31 March 2023. The following provides some data based on previous years. However, it should be noted that the service profile of the organisation plays a significant part in each organisation's gender pay gap profile. For example, councils that have in-house services such as "trades" and refuse-recycling services have a higher proportion of males in the workforce in roles that would be lower paid.

5.2 The following is therefore provided for illustrative purposes:

	As at 31.3.21		As at 31.3.22	
	Median	Mean	Median	Mean
Rutland County Council	5.7%	6.7%	-4.02%	3.79%
Office for National Statistics – National (all sectors)	15.1%	14.7%	14.9%	13.9%
Nottinghamshire County Council	16.8%	8.4%	14.4%	7.9%
Derbyshire County Council	14.2%	11.6%	16.9%	11.7%
Leicestershire County Council	4%	10%	8.0%	11.0%
Nottingham City Council	0.5%	2.9%	-1.5%	0.6%
Leicester City Council	1.1%	0.1%	0	-1.4%
Lincolnshire County Council	3.3%	5.4%	2.6%	5.0%
Isle of Wight Council	17.2%	10%	12.7%	10.6%

## **6 CONSULTATION**

6.1 There are no further consultation requirements arising from this report.

## **7 ALTERNATIVE OPTIONS**

7.1 There are no alternative options, as it is a statutory requirement to publish the Council's Gender Pay Gap Data.

## **8 FINANCIAL IMPLICATIONS**

8.1 There are no direct financial implications arising from this report.

## **9 LEGAL AND GOVERNANCE CONSIDERATIONS**

9.1 These have been addressed in this report – ie. a statutory requirement to report.

## **10 DATA PROTECTION IMPLICATIONS**

10.1 A Data Protection Impact Assessments (DPIA) has not been completed as there are no risks/issues identified to the rights of individuals or personal data.

## **11 EQUALITY IMPACT ASSESSMENT**

11.1 An Equality Impact Assessment (EqIA) has not been completed as there are no risks/issues identified as a result of assessment of the data in this report.

## **12 COMMUNITY SAFETY IMPLICATIONS**

12.1 None

## **13 HEALTH AND WELLBEING IMPLICATIONS**

13.1 None

**14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

14.1 This is an advisory report on the latest set of data for the Council relating to Gender Pay Gap. There are no recommendations.

**15 BACKGROUND PAPERS**

15.1 None

**16 APPENDICES**

16.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577

**EMPLOYMENT AND APPEALS COMMITTEE**

26 March 2024

**UMBRELLA LEAVE POLICY**

**Report of the Strategic Director for Resources**

Strategic Aim	Providing good public services	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr A Johnson, Deputy Leader and Portfolio Holder for Governance and Resources	
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Ward Councillors	N/A	

**1 SUMMARY AND RECOMMENDATIONS**

**1.1 Summary**

1.1.1 The Council has an Umbrella Leave Policy which sets out in one document the different types of leave that is available to employees.

1.1.2 The Policy has been reviewed to reflect changes in employment legislation and to keep the policy streamlined so that it is not overly lengthy or detailed.

**1.2 Recommendations**

1. The Committee approves the revised policy.

**1.3 Reasons for Recommendations**

1.3.1 The revisions ensure the Council is legally compliant and that employees and managers are aware of the entitlements for leave that are available.

## **2 REPORT**

### **2.1 Introduction**

- 2.1.1 The Umbrella Leave Policy was first introduced in 2016, with the aim of keeping a range of policies relating to leave in one document.
- 2.1.2 The Policy has been reviewed to update the content to streamline the document and to reflect changes in employment law and new legal entitlements. Changes have also been made to empower line managers to apply discretions available within the policy that had previously required Head of Service approval.
- 2.1.3 A copy of the revised policy is provided as a draft as an Appendix to this report.

### **2.2 Proposed Changes**

- 2.2.1 The substantive changes to the policy are outlined below.
- 2.2.2 Employees may carry forward up to 3 days' annual leave to the next leave year with their line manager's approval. The current policy required a Head of Service approval for any carry-forward and the policy did not include a cap.
- 2.2.3 The legal entitlement to carry forward leave that has not been taken due to sickness or family leave reasons is shown within the policy.
- 2.2.4 Line managers can use discretion to approve annual leave of 12+ days - previously this required Head of Service approval.
- 2.2.5 The policy would now allow paid time off to donate blood away from the workplace, where previously only on-site donations were covered.
- 2.2.6 A provision for career breaks has been removed, as this has never been used.
- 2.2.7 The policy now includes carer's leave, which is a legal entitlement that is being introduced from 1<sup>st</sup> April 2024 and provides up to a week's unpaid leave per 12-month period for the purposes of caring for a dependent.

### **2.3 Options Considered**

- 2.3.1 Alternative options have not been considered, as the policy has needed to reflect legal changes.

### **2.4 Consultation**

- 2.4.1 Unions have been consulted on the draft document and have been supportive of the changes proposed in the draft.

## **3 IMPLICATIONS OF THE RECOMMENDATION**

### **3.1 FINANCIAL IMPLICATIONS**

- 3.1.1 This section has been approved by Kirsty Nutton, Strategic Director for Resources, s.151.
- 3.1.2 There are no additional financial issues arising from this Report.



## **3.2 LEGAL IMPLICATIONS**

3.2.1 This section has been approved by Sarah Khawaja, Head of Legal & Democratic Services

3.2.2 The legal implications are set out within the body of the report.

## **3.3 Risk Management Implications**

3.3.1 There are no risks arising from this report.

## **3.4 DATA PROTECTION IMPLICATIONS**

3.4.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identified risks or issues to the rights and freedoms of individuals.

## **3.5 EQUALITY IMPLICATIONS**

3.5.1 An Equality Impact Assessment (EqIA) has not been completed as the substantive changes are in line with legal provisions.

## **3.6 COMMUNITY SAFETY IMPLICATIONS**

3.6.1 The Council has a duty in accordance with S17 Crime and Disorder Act 1988, when exercising its functions, to have due regard to the likely effect of that exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social behaviour).

3.6.2 This duty has been considered and there are no community safety implications relating to the recommendations.

## **3.7 HEALTH AND WELLBEING IMPLICATIONS**

3.7.1 The substantive changes proposed in the Policy do not have implications for health and wellbeing.

## **3.8 ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS**

3.8.1 On 11 January 2021 Rutland County Council acknowledged that it was in a climate emergency. The Council understands that it needs to take urgent action to address it.

3.8.2 There are no environmental and climate change implications of the Recommendations.

## **3.9 PROCUREMENT IMPLICATIONS**

3.9.1 There are no procurement implications.

## **3.10 HR IMPLICATIOINS**

3.10.1 The policy provides clarity to employees and managers on the provisions available for leave. The provisions support work-life balance for employees which can assist with recruitment and retention and help the Council to promote itself as an employer of choice.

## **4 BACKGROUND PAPERS**

4.1 None applicable

## **5 APPENDICES**

5.1 A copy of the draft revised Policy is attached as an Appendix to this report.

An Accessible Version of this Report is available upon request – Contact 01572 722577.

## Section 1. Purpose and scope of this policy

1.1 As an 'Umbrella' policy this outlines in one document various 'leave provisions'. This does not duplicate 'leave' that are specific to other employment issues and policies such as Maternity, Paternity, Adoption, Flexible working.

1.2 Entitlement to certain types of leave are covered by statutory and contractual obligations. In all circumstances, requests will be considered sympathetically in line with the policy but are subject to individual circumstances and the demands of the service.

1.3. From time to time there are statutory changes to employee rights – where these occur, these will be incorporated into this policy by default on the basis that they establish minimum legal rights for employees. Where the Council already adopts a policy above the statutory minimum, this will remain until the policy is reviewed and amended.

1.4 For record keeping and monitoring purposes, absences/leave will be recorded by the Line Manager against the employee's record in Agresso. Managers are responsible for monitoring and responding to leave requests in accordance with the policy.

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## Section 2. Annual leave

2.1 Employees have a right to statutory annual leave whether they are full-time, part-time or work under a casual or zero-hour contract. The statutory minimum is 5.6 weeks (pro rata).

- 2.2 For Rutland County Council staff, annual leave entitlement is supplemented by:
- A national agreement which provides the main framework for our terms and conditions – as outlined in the National Joint Council for Local Government Services (Green Book), and
  - The additional provisions agreed by the Council – as outlined below.

2.3 Actual annual leave entitlement is based on how many days or hours an employee works.

2.4 Annual leave is based on an individual's personal leave year. This means the date of commencement into Local Government Services. Adopting personal leave years means annual leave can be managed more effectively across a team and avoids multiple requests for leave towards the end of a standard leave year.

2.5 Leave entitlements:

<b>Grade range</b>	<b>Annual leave</b>
NJC Green Book – Grades 1 to P05	
Grades 1 to 6 (points 1 – 22)	25 days
Grades SO1, SO2, PO1 and PO2 (points 23 – 36)	27 days
PO3, PO4, PO5 (points 37 – 48)	28 days
Chief Officers – Joint Negotiating Committee for Chief Executive and Officers	29 days

NJC Green Book and JNC Chief Executive/Chief Officer - Additional leave - After five years continuous Local Government service a further 5 days annual leave is given.

2.6 Public Holidays – irrespective of the length of service, employees are entitled to a holiday with normal day's pay for each of the statutory, general and public holidays as they occur. Where an employee is required to work on a bank/public holidays as part of their role and contractual terms, such payments are outlined in their contract.

## 2.7 Part-time employment

a) Annual leave entitlement and bank holidays are pro-rata to an employee's contractual hours. For example – employee working 20 hours per week with an annual entitlement of 27 days:

- $20 / 37 \times 27 \times 7.4 \text{ hours} = 108 \text{ hours of annual leave per annum}$

b) Similarly, public/bank holidays are also pro rata – for example, employee working 20 hours per week and where there are 8 bank holidays in the year:

- $20 / 37 \times 8 \times 7.4 \text{ hours} = 32 \text{ hours}$

This amount is then added to the annual leave entitlement to give a total entitlement for the year.

- Where a Bank Holiday falls on a day that the employee would normally have worked, the employee should deduct their contractual hours for the day from their annual leave/Bank Holiday entitlement.
- If the employee was not due to work on the day of a Bank Holiday, they are still entitled to take a 'day', the hours should be deducted from their annual leave/Bank Holiday entitlement. The time off should be taken within a reasonable period, immediately before or after the Bank Holiday in question, to be agreed with the Line Manager.

2.8 Carry over annual leave - Up to 3 days annual leave may be carried over from one year to the next with the authorisation of the appropriate Line Manager. They may also approve the carryover of more than three days in special cases. If, as a result of sickness absence or a period of family leave, an employee is unable to take their annual leave, they will be entitled to carry forward up to four weeks of any untaken leave into the following holiday year. The carried forward holiday must be used within 18 months of the end of the holiday year in which it accrued.

2.9 On leaving the authority, Managers will calculate any outstanding leaving that an employee should take prior to their last day. The entitlement is based on the pro rata length of service. Wherever possible, leave should be taken prior to leaving but if this is not possible, any outstanding accrued annual leave will be paid at normal plain time. If an employee has exceeded the accrued annual leave entitlement, the appropriate pay will be deducted from the final salary.

2.10 Notes:

- For employees on other Terms and Conditions – please refer to the national provisions, terms and conditions eg. Tutors, Youth Workers.
- All leave is to be arranged with and is subject to the approval of line managers and is also subject to service/business need. It is possible therefore that from time to time, a leave request may not be approved. Commitments and holiday bookings should not therefore be made until the leave dates have been approved.
- Annual leave is paid at plain time where the absence has been authorised.
- Annual leave for employees on a casual/zero hour contract is accrued pro-rata to the hours worked, calculated and paid on a monthly basis.

### Section 3. Special Leave

3.1 Statutory rights

- a) Employees have a statutory right (Employment Rights Act 1996) to take a reasonable amount of time off work to help a dependant with an emergency. A dependant is a close family member or someone who depends on the employee – such as:
- Husband, wife, civil partner or partner.
  - Their child
  - Their parent
  - A person who lives in their household (not tenants, lodgers or employees)
  - A person who relies on them, such as an elderly neighbour.
- b) The definition of ‘reasonable’ is dependent on the employee’s circumstances, how much time they will and what has happened. Such circumstances may be for example:
- Helping a dependant who is ill, injured or assaulted.
  - A child’s school unexpectedly closes.
  - A dependant dies.
- c) Time off under the statutory provision as above is unpaid. It is also possible for the individual to use holiday entitlement.

3.2 Paid Special Leave

In addition to the statutory provision, the Council has a supplementary provision for paid special leave as follows. The primary purpose of special leave is to help employees to begin to come to terms with the death of an immediate family member, a serious illness or injury involving an immediate family member.

<b>Benefit</b>	<b>Circumstances</b>

<p>Maximum of 10 days leave within a 12-month period</p>	<p>Bereavement of a member of the employee's immediate family.</p> <p>Serious illness of a child – this relates to severe/critical illness or injury.</p> <p>Serious illness of other close relatives (immediate family).</p> <p>Other 'special circumstances' - such as personal emergencies or 'disastrous' circumstance where the employee is required to make urgent arrangements or provide support to their immediate family.</p> <p>Note – the above does not include routine, scheduled appointments nor compensate for childcare, which should be taken as annual leave.</p>
<p>An immediate family member is defined as the employee's spouse, civil partner, partner, parent, child, sibling, or grandparent. This does not include in-laws, nieces or nephews.</p> <p>A dependant is defined as the employee's spouse, civil partner, child or parent, and any person who lives at the same house as the employee (other than as a lodger, tenant, boarder or employee) or who would reasonably rely on the employee for assistance or arrangements for care in the event of illness or injury.</p>	

3.3 Parental Bereavement Leave - in the unfortunate circumstances of the loss of a child (under the age of 18) or a still birth from 24 weeks of pregnancy, the Council has adopted a local policy which enhances the statutory provision and provides for up to 10 paid days special leave as outlined in paragraph 3.2.

## Section 4. Medical Appointments

4.1 Medical appointments should be arranged in the first instance outside of normal working hours. Such appointments include:

- Dentist
- GP
- Optician
- Routine check ups eg. at hospital
- Physiotherapy and similar.

4.2 Where appointments are only possible during working time, employees should either take the time as annual leave, unpaid leave or they are able to make the time up. All appointments should be notified to line managers as soon as possible.

4.3 Appointments with the Council's Occupational Health Provider can be undertaken in normal working time.

4.4 The following appointments can be taken as paid leave if the appointments are during normal working time.

- Hospital appointments – scheduled appointments, reviews, follow ups, treatments.
- Ante-natal appointments.
- Cancer Screening and any follow up appointments, screening or treatment.
- Blood donating
- Organ and Bone marrow donation.

## **Section 5. Unpaid leave**

5.1 The following outlines the provisions for leave where an employee takes part in other activities outside of their employment with the Council.

5.2 In the following instances, employees will not receive normal pay but may:

- Request annual leave
- Make up the time at a time to be agreed with the manager.
- Take unpaid leave.

### Examples:

- Sports Representative or official. This may also include selected to represent their county, region or country for sporting events, this may be for competing or for officiating at such events.
- Representing the county, region or country for arts and cultural events, such as choirs etc.
- Retained Fire Fighters.

5.3 Extended leave may be granted in certain individual circumstances where the employee wishes to take leave in excess of their annual leave entitlement. Consideration will be given to the period of the leave and the impact on service provision. Requests should be made at least 3 months in advance. Any additional leave authorised will be unpaid and only approved after all other annual leave has been exhausted.

5.4 Where appointments are required for Fertility treatment, this should be taken as annual leave, unpaid leave or the time is made up at a later time.



## **Section 6. Bad Weather**

6.1 Where severe weather conditions may disrupt employees' travel to work, staff safety should remain paramount, and it is essential that employees are not encouraged to attempt to attend work or remain in work should it be unsafe to do so. Staff are encouraged to take a commonsense approach to travelling in adverse weather conditions. Individuals should notify their line manager if they are unable to reach their scheduled place of work.

6.2 Such severe weather may include heavy bouts of snowfall and dangerous conditions, resulting in travel becoming unrealistic, including protracted difficult conditions. Other warnings may also occur from time to time and are normally received in advance of severe weather conditions.

6.3 Alternative arrangements to consider include:

- Working at home should be supported wherever possible and arrangements confirmed in advance.
- Coming into work later if the conditions are likely to improve, and then making the time up.
- Working flexible hours so the employee can make up any lost working time.
- Temporarily adjusting a hybrid working arrangement, eg. swapping days that are worked at home/in the office.
- Changing duties temporarily to those that can still be carried out.

6.4 Considerations should also be given to:

- Individual circumstances, for example if someone has a health condition, they might need adjustments for working in a different way.
- Regular and ongoing communication and engagement.
- Being consistent in how everyone is treated and explain any decisions.

6.5 Employees who are unable to attend work and for whom working from home is impractical, should make up time or take annual leave. Similarly, where employee leaves work earlier, they should make the time up.

6.6 Where weather conditions cause disruption to caring responsibilities, this is covered by the right to take 'time off for dependents' as outlined in paragraph 3.1

## **Section 7. Time off for Religious Beliefs**

7.1 The following outlines our policy in relation to time off during religious festivals or for religious observance. All employees, whatever their religion or belief, will be treated equally in this respect.

7.2 While there is no automatic right to time off to observe religious holidays, we are committed to supporting any employee who wishes to take time off for this reason while having regard to the needs of the business.

7.3 Time taken from work can be booked as leave in the normal way or it can be taken as unpaid leave or the time worked at another time.

## **Section 8. Public Duties**

8.1 Jury service – there is a statutory obligation to attend for Jury service if called. With regards to pay, Employees receive normal pay for the period of jury service – they do not therefore claim loss of earnings from the Court. Absences due to Jury service should be recorded by the Line Manager against the employee absence record in Agresso. Employees are required to return to work when they are not requested to attend Court.

8.2 A ‘reasonable’ amount of time to undertake the following public duties can be considered – there is no statutory right to payment when taken in normal working time:

- Magistrates, Tribunal Members, Justice of the Peace
- School Governors

### 8.3 Armed Forces Community

a) Our support reaches out to:

- Those serving in HM Armed Forces or Armed Forces Reserves
- Ex-serviceman and women (‘veterans’)
- Those who have served at least one day in HM Armed Forces whether as a Regular or as a Reservist or were part of the Merchant Marine under the command of the military at the time of a legally authorised operation. Eg. Falklands War, anti-piracy operations
- Their Dependents including spouses, civil partners and children
- The Bereaved; the immediate family of Service Personnel and Ex-Service Personnel who have died, whether or not that death has any connection with Service.

b) Compassionate or Special Leave may be granted to allow employees to assist them in dealing with crises or difficulties in their personal lives. Discretion as to the length of leave agreed and whether it should be paid or unpaid leave lies with the Director in accordance with this Policy. In the context of the Armed Forces these situations may be:

- Leave at short notice before mobilisation i.e. to spend time with family and prepare for mobilisation.
- Post mobilisation leave.
- Injury or death during mobilisation or Reserve training.

c) The Council also recognises and values the Cadet Force Adult Volunteers’ (CFAV) as part of the wider Armed Forces ‘family’ and we recognise their contribution as such.

d) The Council supports Reservists through the following:

- 10 days paid leave for annual training camps.

- Additional unpaid leave for training at the discretion of their Director.

A reservist employee has the qualified right under the Reserved Forces Act 1985 to be reinstated in his or her former job after demobilisation. This right applies for six months after the end of the period of service. Re-employment should be to the same job and on terms and conditions no less favourable than if the employee had not been called up.

## **9 Parental Leave**

*(Please also refer to the Council's policies on maternity and paternity leave)*

9.1 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.

9.2 The purpose of parental leave is to allow employees the opportunity to take time off work to care for a child. Examples of why an employee may wish to take parental leave include to:

9.3 To be eligible for parental leave the parent must:

- Be legally classed as an employee.
- Have worked for the Council for 1 year or more.
- Have parental responsibility for the child.
- Step-parents can also have parental responsibility where it's agreed between all parents.
- If someone is separated from the other parent or does not live with their child, they still have the right to parental leave if they have parental responsibility for their child.

9.4 Each parent can take up to 18 weeks of parental leave for each child until each child is 18 years old. If an employee takes it, it must be:

- in blocks of weeks
- a maximum of 4 weeks a year for each child

9.5 Employees still accrue (build up) their holiday entitlement as usual while on parental leave.

9.6 An employee can take parental leave in blocks of days rather than weeks if they receive one of the following for their child:

- Disability Living Allowance
- Personal Independence Payment

9.7 The employee must give their line manager:

- 21 days' notice before the date they want to start a block of parental leave
- the exact dates they plan to start and finish the block of parental leave

9.8 Parental leave can only be postponed if the absence is going to cause problems and disruptions at work, for example if there's an important deadline. It can be postponed for

up to 6 months after the date the employee originally asked for. The employee must be able to take it before their child's 18th birthday. To postpone parental leave:

- 7 days' notice must be given, in writing.
- Full reasons must be given.
- Offer of suitable dates should be provided.

NB. Parental leave cannot be postponed if the employee is adding it to paternity leave.

9.9 It is unlawful for an employer to dismiss an employee or cause them detriment because they have asked to take parental leave.

## 10 Carer's Leave

10.1 All employees, regardless of their length of service, have a statutory right to take carer's leave to provide or arrange care for a dependant with a long-term care need.

10.2 For the purposes of carer's leave, a dependant means:

- a spouse, civil partner, child or parent;
- any person who lives in the same household (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on the individual to provide or arrange care.

A dependant has a long-term care need if they:

- have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- have a condition that amounts to a disability under the Equality Act 2010; or
- require care for a reason connected to their old age.

This statutory right to carer's leave applies to a wide range of caring situations, but excludes general childcare, except where the child meets the definition of a dependant with a long-term care need.

10.3 Amount of carer's leave Employees can take up to one week of carer's leave in any 12-month rolling period. A week of carer's leave is the same duration as an employee's normal working week, e.g. a full-time employee is entitled to 5 days' carers' leave in any 12-month rolling period and an employee who works 3 days per week, would be entitled to 3 days of carer's leave in any 12-month rolling period.

The leave can be taken in one continuous block, as individual days, or as half days.

If an employee is caring for more than one dependant, there is no separate entitlement to carer's leave for each dependant.

10.4 Notice to take carer's leave We ask that employees give as much notice as possible when requesting carer's leave so that we can plan for the absence. In any event, the amount of advance notice that must be given as a minimum is either twice the number

of working days that are requested to be taken as carer's leave, or three days, whichever is earlier.

All carer's leave must be approved in advance by the employee's line manager.

10.5 Pay during carer's leave There is no statutory right to be paid during carer's leave. Therefore, any leave taken as carer's leave is unpaid.

10.6 Postponing your carer's leave While every effort will be made to meet a request for carer's leave, we may postpone the leave if the absence would disrupt service delivery or the operation of the Council's business. If a decision is taken to postpone leave, the employee's line manager will consult with the employee to find an alternative leave period within one month of the period of carer's leave that was original requested. The line manager will write within seven days of receiving notice of a request for carer's leave, clarifying the reason for the postponement and the revised dates on which the carer's leave can be taken.

10.7 Cancelling carer's leave Carer's leave can be cancelled by an employee and taken at a different time, as long as the line manager has been informed before the leave has started. It cannot be cancelled once the period of carer's leave has begun.

10.8 Other types of leave The statutory right to carer's leave is intended to be for planned and foreseen caring commitments. If an employee needs to take time off to manage an unexpected or sudden problems relating to a dependant and make any necessary longer-term caring arrangements, please see the Special Leave provisions at Section 3 of this policy.

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