

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:

Grade range	Annual leave
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.

Benefit	Circumstances

<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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