



EAST HERTS COUNCIL  
LEAVE POLICY AND PROCEDURE

JULY 2006

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## **1 Introduction**

- 1.1 This guide has been revised to reflect the changes to the statutory provisions arising from the Employment Act 2002 and the NJC Green Book. It incorporates the new legislation from April 2003.

## **2 Purpose and Scheme Coverage**

- 2.1 The purpose of this document is to provide staff and managers with information on the various types of leave entitlement.
- 2.2 This information is applicable to all staff employed by East Herts Council.

## **3 Contractual Relationship During Absence**

- 3.1 Having granted a period of paid or unpaid leave, the contract of employment between both parties remains in existence (except in the case of Sabbatical Leave) and therefore a commitment to maintain confidence, trust and act in good faith during the period of leave.
- 3.2 Employees on periods of extended leave will be required to maintain regular contact with their Manager and, if appropriate, inform them of any changes in circumstance which may affect their intention to return to work.
- 3.3 Staff suspected of abusing the provisions of these procedures or fraudulently applying for leave will be subject to disciplinary investigation as detailed in the Disciplinary Procedure.

## **4 Granting and Recording Leave**

- 4.1 It is the Line Manager's responsibility to consider applications for special leave and use the following information as guidelines.

## **5. Holiday Leave**

### **5.1 Public Holidays**

Employees shall, irrespective of length of service, be entitled to a holiday with a normal day's pay for each of the statutory, general and public holidays as they occur. For part workers this is based on reducing the part timer's hours by 1/5<sup>th</sup> for a bank holiday week. Therefore someone

working 20 hours per week would be entitled to receive 4 hours for each bank holiday.

## **5.2 Annual Leave**

### **5.2.1 Leave Year**

The Council operates an anniversary leave period commencing on the date an employee commenced working for the Council. Those employees starting or leaving employment during the year are entitled to leave proportionate to the number of completed months of service during the year

### **5.2.2 Part Time Staff**

Leave entitlement will be applied pro-rata for part time staff. For calculation perhaps one working day equates to 444 minutes (or 7 hours and 24 minutes). Therefore someone working 20 hours per week with 22 days holiday per year, would be entitled to 5280 minutes which is 88 hours or 12 days holiday per year.

### **5.2.3 Approval for Taking Leave/Carrying Forward Leave**

All leave is taken at the discretion of your Line Manager and requests will need to be looked at in the context of what cover is available within the team during that period to ensure that the service provided is not disrupted.

Managers should try and plan staffing arrangements well in advance so that peak holiday periods are adequately covered so that holiday requests can be treated equitably.

Where a late request is received, the employee should not expect or assume that it will be granted and managers should treat such requests, due to unexpected events, sympathetically. As a general rule, however, employees should give at least twice the amount of notice that they wish to take as leave. Therefore if 5 days holiday is being requested, at least 10 working days notice is required.

Up to five days annual leave may be carried forward into the next leave year with the prior written consent of your line manager.

### **5.2.4 Continuous Service**

Staff who have 5 years local authority service with East Herts or another local authority are entitled to an extra 5 days

### 5.2.5 Statutory Days

Local authority employees are entitled to 2 extra days of which are statutory. These are taken as part of normal annual leave and are included in the table below.

### 5.2.6 Basic Leave Entitlement

The basic leave entitlement is dependent upon what scale point an individual has reached. It is banded as follows:-

SCP 6 - 21	22 days
SCP 22 - 28	24 days
SCP 29 - 31	26 days
SCP 32 - 34	27 days
SCP 35 and above	28 days

## **BEREAVEMENT**

### **6. Bereavement of Immediate Family Members**

6.1 When an Employee suffers the loss of an immediate family member, for example partner, parent or sibling, the employee will be entitled to 5 paid days leave. Leave may be taken at/or around the time of bereavement at the employees request.

6.2 If the employee has the same relationship with the deceased as described above, for example having been brought up by the person, then the same provision of leave will apply.

6.3 Managers should endeavour to facilitate any requests for leave in these circumstances. However if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Director and Human Resources before any action is taken.

6.4 There may be circumstances where an employee requires more than the 5 days leave when an immediate family member has died. In this event the employee should make his/her Line Manager aware of the situation in order that he/she may seek further guidance from the Director.

6.5 Directors are asked to consult with Human Resources in these circumstances in order to ensure leave requests are dealt with sensitively and consistently.

## **7. Bereavement of Relatives / Friends**

- 7.1 When an employee suffers the loss of a relative or friend, for example grandparent, aunt/uncle or neighbour, the employee will be entitled to 1 days paid leave to attend the funeral.
- 7.2 Managers should endeavour to facilitate any requests for leave in these circumstances. However if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Director and Human Resources before any action is taken.
- 7.3 There may be circumstances where an employee requires more than 1 days leave when a relative or friend has died. In this event the employee should make his/her Line Manager aware of the situation in order that he/she may seek further guidance from the Director.
- 7.4 Directors are asked to consult with Human Resources in these circumstances in order to ensure leave requests are dealt with sensitively and consistently.

## **CAREER BREAKS**

### **8 What is a Career Break?**

- 8.1 A career break enables an employee to take an unpaid break from work for personal reasons and maintain continuity of service with the Council. The employee is required to give a minimum of 3 months notice to commence a career break. With the exception of continuity of service all other terms of the employment contract with the Council will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the Council without competitive selection.

It is recognised that during an employee's working life there will be times when personal commitments may take priority over work e.g. bringing up children, longer term care for sick or elderly relatives, or pursuing a course of further education. The Council can accommodate such personal commitments, where operationally practicable, through career breaks.

### **9 What is the purpose of a career break?**

- 9.1 The purpose of a career break could be:

- To extend the maternity leave period
- To extend a period of adoption leave
- To care for dependent relatives
- To enter full time education
- Extended foreign travel
- To convalesce after a period of illness or major life crisis such as bereavement or divorce

These reasons are not all inclusive and others may be considered, with the major exception of taking up other paid employment.

### **10 How long is a career break?**

- 10.1 The minimum break is 3 months and the maximum break is 1 year.
- 10.2 There is no limit to the number of career breaks an employee can take providing that they return to work for the Council for a minimum of 2 years between each career break.



## **11 Who can apply for a career break?**

- 11.1 All permanent employees with at least two years continuous East Herts service regardless of the number of hours worked at eligible to apply for a career break.

## **12 What happens to the employee's job?**

- 12.1 After a career break the employee will have the right to return to an equivalent position (in terms of service area and pay) where this is available. However, where this is not available the Council will offer an alternative which can include work elsewhere in the Council at a different level and pay. The new job would need to be a suitable alternative, within the definition used when employees are facing redundancy. (see redundancy policy for more details)

## **13 Extending or cutting short the career break**

- 13.1 If the employee wishes to extend the career break, they must do so in writing giving a minimum of three months notice. The Line Manager will give consideration to the extension along the same lines as the original request and may grant up to one year in total.
- 13.2 There will be no automatic right to cut short a career break but managers will consider such requests from an employee as they can accommodate, without impacting on service level.

## **CONTRACTUAL ISSUES AND OTHER PRACTICAL ARRANGEMENTS**

### **14 Contract of employment**

- 14.1 The employee will be required to sign an agreement suspending all terms of their contract of employment, with the exception of continuity of service with the Council. The contract of employment will remain suspended for the duration of the career break. The employee will return to the same or similar post subject to any structural changes following any organisational reviews. This will not constitute a break in service and general conditions of service will apply as at the start of the career break when the employee returns to work.

### **15 Rate of Pay/Pension**

- 15.1 At the end of the career break the employee will return to the same incremental point they were on at the start of the career break which may result in salary protection if the post has been downgraded in a restructure.
- 15.2 Employees considering career breaks should contact Serco pensions for more information.

## **16. Disciplinary warnings**

- 16.1 Any live disciplinary warnings will be suspended for the duration of the career break and will be carried forward upon the employee's return to work.

## **CITIZENSHIP DUTIES**

### **17. Elected Members of other Council Authorities**

- 17.1 Staff who undertake duties as an Elected Member in another authority will be allowed to take up to a maximum of 10 days paid leave per annum. Leave must be used to attend official functions or meetings. Requests for leave must be accompanied by proof that attendance is required.
- 17.2 All staff paid on or above SCP 44 are Politically Restricted and therefore unable to undertake these duties. There are also staff who because of their role will be restricted. In both circumstances the restriction will be detailed in the employee's contract.
- 17.3 It is the Line Manager's responsibility to approve and monitor requests for time off to undertake Civic Duties, however if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Director and Human Resources before any action is taken.

### **18. Magistrates**

- 18.1 Staff who are Magistrates will be allowed to take up to a maximum of 10 days paid leave per annum. Leave must be used to attend court sessions. Requests for leave must be accompanied by proof that attendance is required.

18.2 It is the Line Manager's responsibility to approve and monitor requests for time off to undertake Civic Duties, however if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Director and Human Resources before any action is taken.

## **19. Court Attendance as a Witness/Jury Member**

19.1 Staff summoned as a witness or jury member will be allowed the necessary time off to attend court. The employee should inform their Line Manager at the earliest convenience and pass on the summons document to the Head of Payroll and Cashiers for completion.

19.2 Any monies received by an employee to compensate for loss of pay must be declared to the Head of Payroll and Cashiers.

## **20. Active Citizen Duties**

20.1 Staff who volunteer their expertise for public service may take up to 3 days paid leave per annum to attend formal meetings or functions.

20.2 Applications for leave must be accompanied by proof that attendance is required. Leave will be granted at the discretion of the Line Manager.

20.3 The definition of active citizenship duties would include School Governors, Trustees of Charitable Trusts, Management Committee members of charitable trusts, members of publicly constituted watchdog organizations. NB This list is not exhaustive and other bodies may fall into this category.

## **21. Service in Non-Regular Forces**

21.1 Employees who are members of Non-Regular Forces may be required to attend summer camp on an annual basis. Two weeks paid leave will be allowed in these circumstances.

## **WORK RELATED DUTIES**

### **22. Time off to Undertake Trade Union Duties**

22.1 Unison Stewards and officers are entitled to reasonable time off for unison activities giving their line manager as much notice as possible.

22.2 When management requests Unison to attend meetings the employees concerned will be allowed paid time off from their normal duties to attend. Any additional expenses incurred by attendance will be reimbursed under the normal Council guidelines.

### **23. Unison Annual General Meeting**

23.1 Unison will consult the Chief Executive on the arrangements for the Annual General Meeting in advance of it taking place.

23.2 The meeting will generally be held at lunchtime and UNISON staff attending may credit flexi time up to the end of the meeting.

### **24. Executive and Safety Committee Meetings**

24.1 Unison will hold monthly executive meetings alternating between Hertford and Bishop's Stortford.

24.2 The meeting may commence any time after 16.00 hours and staff attending may credit the flexi system until the end of their attendance or until 17.30 hours which ever is first.

### **25. Other Trade Union Activities**

25.1 Managers may allow reasonable time off for Unison Officers to attend training courses, regional meetings and the annual conference at the exigencies of the service.

## **26. Training Courses and Day Release**

- 26.1 Employees who are required by the Council to participate in training events and/or day release courses will be allowed paid time off.
- 26.2 Staff will not be required to work extra hours to compensate for time off to attend Council run training events or courses.

## **27. Examination & Study Leave**

- 27.1 Employees who are required by the Council to undertake training course examinations will be allowed paid time off to do so.
- 27.2 Employees may apply to take one day's study leave per exam at the discretion of their Line Manager. Time off to resit exams will normally be taken as annual or flexi leave.
- 27.3 Employees should inform their Line Manager of dates and times of examinations in order that cover arrangements can be made.

## **28. Interviews in other Local Authorities**

- 28.1 Staff will be able to take up to 5 days paid leave per annum in order to attend interviews at other Local Authorities.
- 28.2 It is the Line Manager's responsibility to approve and monitor requests for time off to attend Local Authority Interviews, however if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Director and Human Resources before any action is taken.
- 28.3 Any monies received by an employee attending summer camp as pay must be declared to the Head of Payroll and Cashiers. Employees will not receive pay from both parties and therefore a claw-back may be made on money received from East Herts.

## **LEAVE FOR MEDICAL REASONS**

### **29. Medical Screening**

- 28.1 Staff will be entitled to paid time off for the purpose of medical screening as deemed necessary by their GP.
- 28.2 Employees should inform their Line Manager of date and times of the appointment and provide details of appointments as soon as practicable in order that cover arrangements can be made.

### **30. Hospital Appointments**

- 30.1 Staff are entitled to paid time off to attend hospital appointments following referral by their GP.
- 30.1 Staff should follow instructions on advising their managers etc as set out in 28.1.2 above.

### **31. Fertility Treatment**

- 31.1 An employee will be given reasonable time off to undertake fertility treatment.
- 31.2 Employees must agree their time off arrangements with their manager in advance of the appointments and produce their appointment card where appropriate.
- 31.3 Staff on flexi-time should record time to attend appointments as described in the Flexi-Time Policy in the section relating to hospital appointments.

### **32 GP and Dental Appointments**

- 32.1 Normally employees should use flexi time to visit their GP or arrangement appointments outside work time.

### **33. DISCRETIONARY LEAVE**

33.1 Directors have discretion to grant to staff up to 5 days paid leave per annum. Discretionary leave will normally be used by staff who need to be with a seriously sick dependant or relative, however the circumstances of each application will be considered thoroughly.

### **34. TIME OFF FOR RELIGIOUS OBSERVANCE**

34.1 Many religions or beliefs have special festival or spiritual observance days. Employees may request holiday in order to celebrate festivals or attend ceremonies. Managers should sympathetically consider such requests and grant leave out of holiday entitlement.

## **UNPAID LEAVE**

### **35. Time off for Dependants**

35.1 Staff will be allowed reasonable unpaid time off to take the appropriate action necessary to resolve or deal with an issue which has arisen because of a dependant. The need to take time off will have arisen without notice and cannot be resolved without the employee's assistance. This provision is from Parental Leave (see section 12) which is planned in advance.

35.2 Those classed as 'dependant' will normally be a child, partner or someone who reasonably relies on the employee for care and assistance.

35.3 Employees will be expected to contact their Line Manager as soon as practicable and advise them on the length and reason for their absence.

35.4 Examples of when Time off for Dependants Leave would be appropriate are as follows:-

- To assist when a dependant falls ill, is injured or assaulted,
- To make arrangements for the provision of care for a dependant who is ill or injured,
- Because of an unexpected disruption of care arrangements,
- To be with a dependant when she gives birth,
- In consequence of a dependants death.

35.5 These examples are not exhaustive and Managers receiving requests for other than those situations detailed above should consult with their Director and Human Resources before granting leave.

### **36. Court Attendance to Pursue a Personal Claim**

36.1 Staff members who are attending court as the accused or to pursue a personal claim will be required to take annual or flexi leave.

36.2 If the employee has no leave available the Director may consider unpaid leave at the exigencies of the service.