



East Herts Council

General Leave

Policy Statement

Policy Statement No 7 (Issue No 2) December 2019 (updated April 2019, December 2019, March 2020)

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1. **April 2019** - Minor updates made to reflect pay and terms and conditions changes agreed through collective bargaining in March 2019. This policy applies to situations which arise from 1 April 2019 onwards.
 2. **December 2019** - Updated to ensure dependency leave is clear and no longer relies on a separate Carer's policy to provide clarity. Carer's Policy has been incorporated and deleted with General Leave updated to ensure consistency, changes were not material but have been agreed with Unison and will be reported to LJP/HRC.

3. **March 2020** - Updated to ensure a change in legislation on statutory parental bereavement leave from 1 April 2020 is included.

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1.0 Introduction

- 1.1 The General Leave Policy provides employees and managers with information on the various types of leave entitlement.
- 1.2 This policy applies to all employees including Chief Officer level that are employed by East Herts Council.

2.0 Contractual Relationship during Absence

- 2.1 Having granted a period of paid or unpaid leave, the contract of employment between both parties remains in existence (except in the case of a Career Break) and therefore a commitment to maintain confidence, trust and act in good faith during the period of leave.
- 2.2 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.
- 2.3 Employees suspected of abusing the provisions of these procedures or fraudulently applying for leave will be subject to disciplinary investigation as detailed in the Disciplinary Policy.

3.0 Granting and Recording Leave

- 3.1 It is the Line Manager's responsibility to consider applications for special leave or approving and logging dependency leave and use the following information as guidelines (please contact HR for further guidance where appropriate and to ensure consistency).

4.0 Public Holidays

- 4.1 Employees are entitled to public holidays, irrespective of length of service. Part time employees are entitled to a pro rata entitlement to these holidays. This is calculated as a fifth of the employee's working week, for each bank holiday, regardless whether this is a working day or not. For example, an employee working 20 hours per week would be entitled to receive 4 hours for each bank holiday.

5.0 Annual Leave

5.1 Leave Year

5.1.1 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 weeks of service during the year.

5.2 Part Time Staff

5.2.1 Annual Leave entitlement and any other leave allowances will be applied pro-rata for part time employees based on 37 hours full time working week. For example an employee with full time equivalent 25 days annual leave (7.4 hours x 25 days = 185 hours) entitlement working 20 hours per week will be entitled to 13.5 days/100 hours annual leave.

5.3 Approval for Taking Leave/Carrying Forward Leave

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

5.3.2 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.

5.3.3 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.

5.3.4 As far as possible all employees should take their annual leave before the end of their leave year. Where this is not possible up to five days annual leave may be carried forward into the next leave year with the prior written consent of their Line Manager.

5.4 Cancelling Leave due to sickness

5.4.1 If an employee is due to go on annual leave or during their leave becomes unwell, any absence will be counted as sickness absence rather than annual leave if a fit note is provided. Employees must notify their manager as soon as possible to inform them that they are unwell. Details of the nature of the illness and an indication of the expected return to work should be provided.

5.5 Continuous Service

5.5.1 Employees who have 5 years' continuous local authority service with East Herts or another local authority are entitled to an extra 5 days annual leave.

5.6 Basic Leave Entitlement

5.6.1 The basic leave entitlement is dependent upon the scale point an employee has reached. It is banded as follows:-

SCP 4 - 22	25 days
SCP 23 - 25	26 days
SCP 26 - 28	27 days
SCP 29 and above	28 days

6.0 Bereavement

6.1 Bereavement of Immediate Family Members

(Please also see 6.3 Statutory Parental Bereavement Leave in relation to a child under the age of 18)

6.1.1 When an employee suffers the loss of an immediate family member, for example, partner, child, 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.

6.1.2 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.

6.1.3 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 Head of Service and Human Resources before any action is taken.

- 6.1.4 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 their Line Manager aware of the situation in order to arrange that annual leave or accrued flexi time can be added on.

6.2 Bereavement of Relatives / Friends

- 6.2.1 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 day's paid leave to attend the funeral.
- 6.2.2 Line Managers should endeavour to facilitate any requests for leave in these circumstances. However, if the Line Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.
- 6.2.3 There may be circumstances where an employee requires more than 1 day's leave when a relative or friend has died. In this event the employee should make their Line Manager aware of the situation in order to arrange that annual leave or accrued flexi time can be added on.

6.3 Bereavement of a Child under the age of 18 (Statutory Parental Bereavement Leave)

- 6.3.1 When an employee suffers the loss of a child under the age of 18 (including parents who suffer a still birth after 24 weeks of pregnancy), the employee will be entitled to two weeks parental bereavement leave. The leave must be taken as a single block of two weeks or two separate blocks of one week at different times. Leave cannot be taken as single days.
- 6.3.2 Employees can take the leave at the time(s) they choose within the 56 weeks from the date of the death. They might choose, for example, to take it at a particularly difficult time such as their child's birthday.

- 6.3.3 If the employee has lost more than one child, they have a separate entitlement to bereavement leave for each child who has passed away.
- 6.3.4 The scope of who qualifies as a bereaved parent for the right to statutory parental bereavement leave and pay includes the following:
- Biological and adoptive parents;
 - Natural parents of adopted children who have been granted some court-ordered contact;
 - Intended parents in a surrogacy arrangement (who must either have applied or intend to apply (within six months of a child's birth) for a parental order under ss.54 or 54A of the Human Fertilisation and Embryology Act 2008 in relation to the child);
 - Local authority foster parents who are also prospective adopters under a fostering for adoption scheme; and
 - "Parents in fact" who, for a continuous period of at least four weeks before the child died, lived with the child and had "day-to-day responsibility" for them (but who are not being paid to look after the child).
- 6.3.5 The partner of qualifying parents, who lives with the child and the parent in an enduring family relationship, also qualifies for statutory parental bereavement leave and pay.
- 6.3.6 Employees do not need to have a continuous period of service to be entitled to take statutory parental bereavement leave or to receive statutory parental bereavement pay.
- 6.3.7 The council will pay statutory parental bereavement pay. An enhanced contractual provision will be made for the first week of parental bereavement leave where the 5 day paid provision set out in 6.1.1 above will be used to enhance to full pay for the first week. The second week will be paid at the statutory rate (e.g. £151.20 for 2020/21).
- 6.3.8 If the employee needs to take parental bereavement leave within the first 56 days after their bereavement, they can take the leave straight away. They do not have to provide any notice however they must let their manager and HR know no later than when they are due to start work on the first day on which they wish to take leave or, if that is not feasible, as soon as they can.

6.3.9 To take leave more than 56 days after their bereavement, employees must give their manager at least one week's notice.

7.0 Dependency Leave

7.1 Dependency Leave

7.1.1 Eligibility to dependency leave:

7.1.2 Employees have the right to take dependency leave during working hours to deal with unforeseen/unplanned or emergency events.

7.1.3 The right applies to all employees regardless of length of service, hours worked, permanent or fixed term.

7.1.4 Employees are entitled to take reasonable time off in order to take action necessary in relation to the types of unplanned circumstances set out in 7.3 below.

7.2 What is a dependant?

7.2.1 A dependant is someone who relies on the employee for care. A dependant is defined for the purposes of this procedure as an employee's spouse, partner, child, parent, dependant relative or someone who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder or someone else who is dependent on the employee. If a manager or employee requires further clarity on what a dependant is please contact HR.

7.3 When dependency leave may be taken

7.3.1 Employees may take reasonable time off during working hours in order to take action necessary to deal with the following types of unforeseen/unplanned or emergency events:

- To provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- To make arrangements for the provision of care for a dependant who is ill or injured;
- Because of the unexpected disruption or termination of arrangements for the care of a dependant; or

- To deal with an incident that involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment that the child attends is responsible for him or her.

7.3.2 These are examples of instances which may require dependency leave; however, the council will give consideration to requests for dependency leave which are not included above but may require the support of the council, **manager should consult with HR to ensure consistency**. Illness and injury do not necessarily have to be serious or life-threatening and may be linked to a dependant with a deteriorating condition requiring occasional support. The council will consider sympathetically each individual request for dependency leave considering the merits and circumstances of the specific case.

7.4 Procedure for taking dependency leave

7.4.1 The council will allow employees reasonable time to do what is necessary in any particular given situation. Employees will need to notify their line manager who can approve dependency leave by logging it into MyView (the council's HR & Payroll system) which will ensure the paid allowance is managed. Up to five days in any twelve month period will be paid (this will be pro-rata for part time employees in line with all leave provisions). Further time required for dependency leave is to be taken as unpaid leave, again a manager can log this into MyView but will need to log it as unpaid with the reason of dependency chosen. Agreement should be reached regarding what time is required and for what purposes, though it is accepted that the employee may need to alter the initial agreement depending on the circumstances. Each request will be considered individually in the context of the particular circumstances.

7.4.2 There is no limit to the number of occasions on which an employee can exercise the right to take time off; however, such leave should normally be for genuine emergencies and unforeseen matters or in the case of paid provision for providing care. Employees should, therefore, utilise annual leave, or parental leave, for any planned absence as dependency leave is not intended for such purposes.

7.4.3 Permission for dependency leave should not be unreasonably refused. Employees who feel they have not been treated reasonably in relation to such leave should discuss the matter with HR and if it cannot be resolved they should access the council's grievance procedure.

7.5 Unpaid Dependency Leave (where entitlement to paid Dependency leave has been exhausted)

- 7.5.1 Paid dependency leave should be used to take the appropriate action necessary to resolve or deal with an emergency/unplanned event which has arisen because of a dependant. Once the employee has had reasonable time to make alternative arrangements for care provision, any further planned time off for that particular event should be taken as annual leave or flexi leave or unpaid if appropriate.
- 7.5.2 Where an employee has exhausted their entitlement to paid dependency leave (5 days pro-rata in a rolling year), any further time off required for dependency leave within a rolling 12 month period is to be taken as unpaid leave unless flexi or annual leave can be authorised.
- 7.5.3 Managers should log unpaid dependency leave on MyView as unpaid absence with the reason of dependency chosen.

7.6 Further support for Carers/Staff with dependents

7.6.1 East Herts Carers Group is self-organised staff group which meets on a monthly basis in staff own time (usually at lunch time) to provide support to fellow carers by sharing best practice and experiences. The group is open to any staff member to join and as well as supporting each other it also works with human resources to ensure staff feel supported by the council in line with the provisions made.

7.6.2 Other provisions

As set out in this General Leave Policy and the Family Friendly Policy in addition to providing an enhanced provision of paid dependency leave and operating a flexi-leave scheme for most staff:

The council also provides enhanced occupational paid leave in the following areas:

- Antenatal care
- Maternity
- Adoption
- Paternity
- Fostering
- Bereavement

The council also provides the opportunity to take unpaid leave in the following areas:

- Parental Leave
- Career Breaks which can be used to support a longer term caring arrangement
- Dependency leave
- Unpaid leave to provide planned care

7.6.3 Employee Assistance Programme (EAP) The council provides employees with an external EAP which provides proactive, practical information and emotional support to help you to manage and reduce the impact of all of life's events, both at home and at work. The service is available 24/7 and is completely free and confidential. The service provides a specially trained, legal and information team which can help to resolve issues around: debt, legal concerns, consumer and care etc. In addition to a helpline/ telephone service and online support where appropriate employees will have access to up to 6 sessions of structured counselling.

7.6.4 Useful Links:

- Carers UK: <https://www.carersuk.org/>
- Herts Carers: <https://www.carersinherts.org.uk/> this site also provides links to many other useful sites
- Hertfordshire County Council:
<https://www.hertfordshire.gov.uk/home.aspx>
- Unison (Trade Union) Carers support/news:
<https://www.unison.org.uk/search/carers/>

8.0 Career Breaks

8.1 What is a Career Break?

8.1.1 A career break enables an employee with 2 years continuous service with the Council 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.

8.1.2 It is recognised that during an employee's working life there will be times when personal commitments may take priority over work for example, 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.

8.2 What is the purpose of a career break?

8.2.1 The purpose of a career break could be:

- To extend the maternity/ paternity 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

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

8.3 How long is a career break?

8.3.1 The minimum break is 3 months and the maximum break is 1 year.

8.3.2 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.

8.4 Who can apply for a career break?

8.4.1 All permanent employees, with at least two years continuous service with the Council, regardless of the number of hours worked, are eligible to apply for a career break.

8.4.2 An employee must submit their request to their manager, with a copy to Human Resources stating when they would like their career break to commence, the reason for their career break and the durations of the requested break.

8.5 What happens to the employee's job?

8.5.1 After a career break the employee will have the right to return to their same or 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 and would be in line with the Redeployment Policy regarding salary protection. (see Redundancy policy and Redeployment policy for more details)

8.6 Extending or cutting short the career break

8.6.1 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.

8.6.2 There will be no automatic right to cut short a career break but Line Managers will consider such requests from an employee as they can accommodate, without impacting on service level.

8.7 Contract of employment

8.7.1 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. 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.

8.8 Rate of Pay/Pension

8.8.1 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 or an alternative post has been agreed by all in lieu of the original post.

8.8.2 Employees considering career breaks should contact LPFA pensions for more information.

8.9 Disciplinary warnings

8.9.1 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.

8.9.2 Please also view the Flexible Working Policy for more information.

9.0 Citizenship duties

9.1 Elected Members of other Council Authorities

9.1.1 Employees 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.

9.1.2 All employees paid on or above SCP 44 are politically restricted and therefore, unable to undertake these duties. Other employees may also be restricted from undertaking these duties. Guidance should be sought from their line manager or Human resources. In both circumstances the restriction will be detailed in the employee's contract.

9.1.3 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 Head of Service and Human Resources before any action is taken.

9.2 Magistrates

9.2.1 Employees 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.

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

9.3 Court Attendance as a Witness/Jury Member

9.3.1 Employees 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 Payroll for completion.

9.3.2 Any monies received by an employee to compensate for loss of pay must be declared to Payroll.

9.4 Court Attendance as the accused or to pursue a Personal Claim

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

9.5 Active Citizen Duties

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

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

9.5.3 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. N.B. This list is not exhaustive and other bodies may fall into this category.

9.6 Service in Reserve Forces

9.6.1 Employees who are members of the Reserve Forces may be required to attend summer camp on an annual basis. Two weeks' paid leave will be allowed in these circumstances.

9.6.2 Employees are required to give as much notice as possible for annual camp in order for the Line Manager to arrange appropriate cover. Leave may be refused if it would have a detrimental impact on service delivery.

9.6.3 In circumstances where a reservist employee is mobilised they will not be paid by East Herts Council and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

10.0 Union duties

10.1 Time off to Undertake Trade Union Duties

10.1.1 Unison stewards and officers are entitled to reasonable time off for Unison activities in accordance with the Recognition and Procedural Agreement 2004. As much notice as possible must be given to their line manager of absence due to union duties.

10.1.2 When the Employer request 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 subject to approval by the Employer before they are incurred.

10.2 Unison Annual General Meeting

10.2.1 The annual general meeting will be arranged in consultation with the Chief Executive who should be given at least one month's notice of the date of the meeting.

10.2.2 The meeting will generally be held at lunchtime and Unison members attending may credit flexi time up to the end of the meeting.

10.3 Executive and Safety Committee Meetings

10.3.1 Unison will hold monthly executive meetings at Wallfields, Hertford and occasionally other EHDC venues.

10.3.2 The meeting may commence any time after 16.00 hours and employees attending may credit the flexi system until the end of their attendance or until 17.30 hours whichever is first.

10.4 Other Trade Union Activities

10.4.1 Managers may allow reasonable time off for Unison Officers to attend training courses, regional meetings and the annual conference in accordance with the Recognition and Procedural Agreement 2004.

11.0 Training Courses and Day Release

- 11.1 Employees who are required by the Council to participate in training events and/or day release courses will be allowed paid time off.
- 11.2 Employees will not be required to work extra hours to compensate for time off to attend Council run training events or courses. If an employee attends a course the time should be recorded in flexi time in accordance with the Flexitime Policy and guideline.

12.0 Examination & Study Leave

- 12.1 Employees who are required by the Council to undertake training course examinations will be allowed paid time off to do so. The time should be recorded in accordance with the Flexitime Policy and guide line.
- 12.2 Employees may apply to take one day's study leave per exam at the discretion of their manager.
- 12.3 Time off to resit exams should be taken as annual leave or flexi leave.
- 12.4 Employees should inform their manager of dates and times of examinations in order that cover arrangements can be made.

13.0 Interviews in other Local Authorities

- 13.1 Employees will be able to take up to 5 days' paid leave per annum in order to attend interviews at other Local Authorities.
- 13.2 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 Head of Service and Human Resources before any action is taken.

14.0 Leave for Medical Reasons

14.1 Medical Screening

- 14.1.1 Employees will be entitled to paid time off for the purpose of medical screening as deemed necessary by their GP or any relevant medical body.

14.1.2 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.

14.2 Hospital Appointments

14.2.1 Employees are entitled to paid time off to attend hospital appointments following referral by their GP or any relevant medical body.

14.2.2 Disability leave should be considered where a person needs time off every week, every few weeks, every few months or every year for medical appointments, treatments or rehabilitation relating to disability. Disability leave should not be counted towards trigger points. Please refer to the Absence Policy for detail.

14.2.3 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

14.3 Fertility Treatment

14.3.1 An employee will be given reasonable time off to undertake fertility treatment.

14.3.2 Employees must agree their time off arrangements with their manager in advance of the appointments and produce their appointment card where appropriate.

14.3.3 Employees on flexi-time should record time to attend appointments as described in the Flexitime Policy in the section relating to hospital appointments.

14.4 GP and Dental Appointments

14.4.1 Normally employees should use flexi time to visit their GP or Dentist or arrange appointments outside work time.

15.0 Time off for Religious observance

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

16.0 Review

16.1 This procedure will be reviewed every three years or sooner if there are any changes in legislation requiring amendments to be made.