



# **East Herts Council**

## **General Leave**

## **Policy Statement**

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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 and use the following information as guidelines.

## **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 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 22 days annual leave entitlement working 20 hours per week will be entitled to 12 days 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' local authority service with East Herts or another local authority are entitled to an extra 5 days annual leave.

## **5.6 Basic Leave Entitlement**

The basic leave entitlement is dependent upon the scale point an employee 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

## **6.0 Bereavement**

### **6.1 Bereavement of Immediate Family Members**

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.

## **7.0 Career Breaks**

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

7.1.1 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.

7.1.2 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.

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

### 7.2.1 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.

### 7.2.2 How long is a career break?

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

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.

### 7.2.3 Who can apply for a career break?

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.

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.

### 7.2.4 What happens to the employee's job?

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. (see Redundancy policy for more details)

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

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.

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.

#### **7.2.6 Contract of employment**

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.

#### **7.2.7 Rate of Pay/Pension**

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.

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

#### **7.2.8 Disciplinary warnings**

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.

Please also view the Flexible Working Policy for more information.



## **8.0 Citizenship duties**

### **8.1 Elected Members of other Council Authorities**

8.1.1 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.

8.1.2 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.

8.1.3 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.

### **8.2 Magistrates**

8.2.1 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.

8.2.2 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.

### **8.3 Court Attendance as a Witness/Jury Member**

8.3.1 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.

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

#### **8.4 Active Citizen Duties**

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

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

8.4.3 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.

#### **8.5 Service in Reserve Forces**

8.5.1 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.

8.5.2 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.

8.5.3 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.

### **9.0 Union duties**

#### **9.1 Time off to Undertake Trade Union Duties**

9.1.1 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.

9.1.2 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.

## **9.2 Unison Annual General Meeting**

9.2.1 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.

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

## **9.3 Executive and Safety Committee Meetings**

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

9.3.2 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.

## **9.4 Other Trade Union Activities**

9.4.1 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.

## **10.0 Training Courses and Day Release**

10.1 Employees who are required by the Council to participate in training events and/or day release courses will be allowed paid time off.

10.2 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.

## **11.0 Examination & Study Leave**

- 11.1 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.
- 11.2 Employees may apply to take one day's study leave per exam at the discretion of their manager.
- 11.3 Time off to resit exams should be taken as annual leave or flexi leave.
- 11.4 Employees should inform their manager of dates and times of examinations in order that cover arrangements can be made.

## **12.0 Interviews in other Local Authorities**

- 12.1 Employees will be able to take up to 5 days' paid leave per annum in order to attend interviews at other Local Authorities.
- 12.2 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.

## **13.0 Leave for Medical Reasons**

### **13.1 Medical Screening**

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.

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.

### **13.2 Hospital Appointments**

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

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.

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

### **13.3 Fertility Treatment**

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

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

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

### **13.4 GP and Dental Appointments**

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

### **14.0 Discretionary Leave**

14.1 Heads of Service have discretion to grant to staff up to 5 days paid leave per annum. Discretionary leave will normally be used by employees who need to be with a seriously sick dependant or relative. However, the circumstances of each application will be considered thoroughly. Please also refer to the Carers Policy for further details.

### **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 Unpaid leave**

### **16.1 Time off for Dependants**

Employees 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 employees' assistance. This provision is from Parental Leave (see section 13 in *Maternity, Paternity and Adoption Leave Policy & Procedure*).

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

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

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.

These examples are not exhaustive and managers receiving requests for other than those situations detailed above should consult with their Head of Service and Human Resources before granting leave.

## **16.2 Court Attendance to Pursue a Personal Claim**

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

## **16.3 Flexibility for Carers**

East Herts Council recognises that some employees have caring responsibilities and may need support to combine work with care. Please refer to the Carers Policy for further information about East Herts Council's commitment to supporting carers and the outline of the support available.

## **17.0 Review**

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