

Leave and Time Off Policy

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Document Control

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1. Introduction

- 1.1 The Council's Leave and Time Off Policy was approved by General Purposes Committee in April 1998 and updated in September 2012.
- 1.2 The Council has agreed leave entitlements, which exceed the entitlements contained in National Conditions (i.e. the National Agreement on Pay and Conditions of Service for Local Government Employees). Annual leave entitlements, which are dependent on an employee's grade and length of service, are shown on the HR pages of the intranet. Details of all other types of leave are included on pages later in this procedure.

2. Scope of the procedure

- 2.1 This procedure applies to all permanent Council employees, except those teachers directly employed by the Council and all staff appointed by schools operating under the Local Management of Schools, which have their own procedure.

3. General Principles

- 3.1 Annual leave entitlements are based on the period 1 April to 31 March and allocated according to grade and length of service. However, the annual leave taking period is extended from 1 April to 30 April in the following year (subject to operational requirements).
- 3.2 Employees may only take leave by prior agreement with their line manager. Reasonable notice must be given having regard for operational requirements.
- 3.3 Managers have a responsibility to monitor employees' leave taking care to ensure that they neither have too much leave at the end of the leave taking period, which may cause operational difficulties, nor use up too much too early on, thereby creating potential problems if unforeseen circumstances occur which require the employee to take time off.

4. Managing annual leave

- 4.1 Previous service in local government counts towards annual leave entitlement, except in cases where there has been a break in service (i.e. where no contract of employment exists between two consecutive Sundays). Employees who complete 5, 6, 8 or 10 years local government service during the leave year (i.e. after 1 April - 31 March) do not qualify for the increased entitlement until the next leave year.
- 4.2 Where an employee returns to local government service following a break for maternity reasons her previous local government service should be taken into account for the purpose of calculating her entitlement to annual leave provided that no permanent full time employment has intervened (there is no time limit on the length of the break in service).
- 4.3 For the purpose of calculating leave (i.e. annual, public, extra statutory holidays and privilege days) entitlements for part-time employees, those working shifts or irregular hours and job sharers should be pro-rata full time and expressed in hours over the leave year.

4.4 Both managers and their employees should ensure that all annual leave is taken in the prescribed period as payment cannot be made in lieu of leave not taken. Where it is not possible to take leave (e.g. due to the exigencies of the service) authorised Managers may, subject to operational requirements, agree up to 5 days carry-over of annual leave. In exceptional circumstances, and by mutual agreement, the Director may approve more than 5 days carry-over of annual leave to the following leave year.

4.5 Leavers and Starters

4.5.1 The annual leave entitlement of employees leaving or joining the Council is proportionate to their completed service during the leave year including part months. This includes temporary and fixed-term contract employees. The annual leave calculator (found on the HR pages of the intranet) will automatically calculate the individual's annual leave entitlement.

4.5.2 Leave will be recouped from employees who are leaving the Council if they have exceeded their entitlement pro rata to the leave taking year by way of pay deduction from the last salary payment. Any outstanding leave should be taken during the notice period as outstanding annual leave will not be paid if it remains untaken. In exceptional circumstances, a payment for any untaken leave may be considered.

4.5.3 For new employees coming from another local authority there is no automatic transfer of any outstanding leave entitlements. Exceptions to this should be discussed and agreed prior to appointment.

4.5.4 The same principles apply to existing employees transferring to a new Directorate/section, subject to any negotiation on detailed arrangements as necessary. However, in cases of redeployment, more flexibility may be needed.

4.6 Part time Employees and Job Sharers

4.6.1 Entitlement to leave will be calculated on an hourly basis pro rata to the full time entitlement for the post concerned. This includes public/bank holidays, which should be added to the employee's annual leave entitlement and then booked as leave if the day the employee normally works falls on a public holiday.

4.7 Relationship with Maternity Leave, Adoption Leave & Nominated Carers Leave

4.7.1 Details of annual leave accrued can be found in the relevant employee's guide on the intranet.

4.8 Relationship with Sickness Absence

4.8.1 Details of annual leave accrued during sickness absence can be found in the Sickness Absence Policy.

4.9 Borrowing Annual Leave

4.9.1 Employees can request to borrow up to 5 days from the next leave year subject to the approval of their senior manager. Employees may only borrow leave for 2 consecutive years and then they will be barred from borrowing leave for the next two years.

5. Managing other Leave / Time Off

5.1 Attendance during period of Inclement Weather, Transport Strikes, etc

- 5.1.1 Where advice is issued to the public through news bulletins etc that travel should be avoided, it is for individual employees to make a judgement as to whether they should travel. When an employee decides to remain at home, they must book leave or flexi leave. Where an employee makes every effort and gets to work, albeit it late and may need to leave relatively early, generally they will be deemed to have attended for a full day. Employees choose where they live in relation to their workplace and therefore no additional/special leave should be granted for those employees whose journey may be particularly problematic.

5.2 Industrial Action

- 5.2.1 The following advice relates to strike action by employees during periods of industrial action:
- 5.2.2 Any requests for leave during periods of industrial action are subject to the usual notification periods and should be considered particularly carefully in light of the operational requirements of the service.
- 5.2.3 A record must be made of all those attending normally for work. If employees are prevented from working as a result of buildings not being open, management must make arrangements for recording the names of staff who report to work. In this context it is important to put up signs where some entrances are closed and others are open. Employees must report to their place of work in order to be paid regardless of the existence of picket lines. Flexitime records should be completed by entering 'Industrial Action' in the times of attendance and the total hours/minutes due to have been worked on that day entered (a zero entry would necessitate an adjustment in the normal hours for the contract period).
- 5.2.4 A full list of employees on strike must be sent to HR as soon as possible so that appropriate deductions can be made.

6. Unauthorised Absence

- 6.1 Where an employee is absent from work without a reasonable explanation or prior permission generally pay will be deducted and action taken under the Disciplinary Code of Practice. If the unexplained or unauthorised absence precedes or follows a public or extra statutory holiday, paid leave shall not be allowed for this holiday.

7. Other Provisions for leave / time off

7.1 Sick Dependants leave

- 7.1.1 Employees who commenced their employment before 1 April 1993 are entitled to up to 10 days Sick Dependants (1) Leave in a rolling 12 month period. A medical certificate will be required justifying the request for the leave, to cover from the first day of the absence. The cost of this statement will be reimbursed by the Council if necessary. Where a certificate cannot be obtained employees will be required to make a signed statement that their dependant was sick and was in need of care. Sick Dependants Leave would not be granted for accompanying dependants on visits to the dentist, doctor etc.
- 7.1.2 An extension of paid leave may be granted at the discretion of the Director.

- 7.1.3 For all other employees there is no automatic entitlement. Any requests for time off to care for sick dependants is at the discretion of the Director and will be considered under the provisions for Special Leave.

⁽¹⁾ For the purposes of this leave, a dependant is defined as someone for whom an employee has a primary caring responsibility on an ongoing, daily basis, e.g. spouse, child, elderly parent, disabled relative.

7.2 Ante-Natal Care

Any pregnant employee has the right to paid time off for ante-natal care but must produce evidence of appointments if requested.

7.3 Jury Service

An employee receiving a summons to serve on a jury must report the fact to the line manager, who shall grant paid leave of absence unless exemption is secured. The employee must claim the allowance for loss of earnings entitled under the jurors' Allowances Regulations in force.

7.4 Unplanned / Ad Hoc Medical Screening

Planned time off for medical or dental appointments should be arranged outside of working time wherever possible. If this is not possible, annual leave or flexi leave should be booked or with the prior agreement of the manager, the time can be taken and made up at a later stage (See Sickness Policy Management Guidelines for full details).

7.5 Planned / Regular Medical Screening

Necessary paid time off will be given for the purposes of cancer screening. Anyone with HIV, cancer or multiple sclerosis is automatically treated as disabled from the point of diagnosis under the Equality Act 2010. Paid time off to attend regular, planned medical appointments/screening is considered as a reasonable adjustment and should be given.

7.6 Volunteering or Public Duties

Details of the provision for leave can be found in the Volunteering & Public Duties Policy.

7.7 Study Leave

Employees wishing to pursue a work-related course of study must agree in advance with their manager any time off for course attendance, project work, revision and sitting examinations at the time of application.

7.8 Summons to Court as an Ordinary Witness

Employees who are summoned to court (or a tribunal) as ordinary witnesses will normally be granted paid leave at the discretion of the Director as part of the provisions for Special Leave. For employees attending as a witness in their role as a Special Constable, arrangements will normally need to be made in their own time.

7.9 Time Off for Trade Union Duties

Check with HR for details of the current time off facility arrangement for the trade union in question.

8. Special Leave

- 8.1 As part of the Council's local conditions of service, Directors have discretion to grant special

leave, with or without pay. It should be emphasised that there is **no automatic entitlement** to special leave (with the exception of Sick Dependents Leave applicable to employees in post prior to 1 April 1993). The Council provides generous annual leave entitlements which should be sufficient to cover most eventualities.

8.2 Compassionate Leave – Up to one week

- 8.2.1 In aggregate one week of normal working time for absence in connection with the serious illness or death of husband or wife, civil partner, parent or parents-in-law, child, sister, brother, sister-in-law, brother-in-law, grandparents or grandparents-in-law, grandchild - [in the case of an employee having no spouse, absence in connection with the serious illness or death of a person whom the employee maintains or with whom the employee shares a home].
- 8.2.2 An extension of paid leave may be granted at the discretion of the Director in cases where leave of a longer period of one week is urgently required on compassionate grounds. Clearly, where a member of staff has lost a very close relative or partner and is heavily involved in funeral arrangements, up to an additional week's leave with pay would not be unreasonable. In other circumstances, Directors may reach a different conclusion.
- 8.2.3 The serious illness of a close relative or partner should be treated sympathetically but once the initial emergency is over and if the person is hospitalised, staff should be required to return to work as there are plenty of opportunities to visit patients in hospital during the evening or, if applicable, using the flexitime system in the day.

8.3 Interviews – No time off

- 8.3.1 In the climate in which the Council is now operating it would not generally be appropriate to grant paid leave. The necessary time off can be planned and, should be covered by annual leave or, if applicable, flexi leave. Interviews internal to Haringey Council will attract time off but should be restricted to travelling time to and from the interview and the time spent at the interview itself.
- 8.3.2 Employees who have been given notice of redundancy have an entitlement to a reasonable amount of paid time to look for employment and to make arrangements for training. The time must be arranged in advance and agreed by the line manager before it can be taken.

8.4 Moving House – No time off

This can be planned and it would not be appropriate to grant an additional day of paid leave.

8.5 Purchasing additional annual leave – Up to 5 days (pro-rata)

- 8.5.1 The Council operates a scheme that allows employees to purchase additional annual leave. Details of the scheme including how to apply with information on the impacts on your pay are contained in the Purchasing Additional Annual Leave Policy and Procedure available on the intranet.
- 8.5.2 The Purchasing Additional Annual Leave Policy does not remove an employee's entitlement to request unpaid leave under section 8.6 below.
- 8.5.3 The difference between unpaid leave and purchased additional leave is that although both are ways of accessing additional time off when needed, purchased additional leave provides the opportunity to plan and have a choice over when the extra time off is taken compared to unpaid leave which is generally more for unforeseeable events.

8.6 Unpaid Special Leave – Not limited but reasonable time off

Directors have discretion to grant unpaid leave in exceptional circumstances for purposes for which annual leave could not reasonably have been reserved. Although such leave is unpaid and there is no limit on the amount of time off which may be granted, account must be taken of service delivery requirements.

9. Leave entitlement for part time employees and job sharers

9.1 Annual Leave Calculator

9.1.1 Annual leave, bank holidays, extra statutory and privilege days are applied to job sharers, those working irregular hours or shifts and part time employees pro rata to the hours they work. All the different elements of their leave entitlements should be added together as a yearly entitlement or proportion of a yearly entitlement, which would be equivalent to the full time entitlement and then worked out pro rata to the hours they work.

9.1.2 The calculator on the HR pages of the intranet enables you to easily calculate an employee's entitlement at any point of the annual leave year, to use it you only need to know the employee's personal number.

9.2 Part Year Leave Entitlement

9.2.1 Where a part time employee or a job sharer starts part way through a leave year, the amount of annual leave, extra statutory and privilege leave (that is not fixed) is apportioned pro rata to the number of complete months remaining in that leave year.

9.2.2 However, the number of public holidays (and any fixed privilege leave days) to apportion will depend on how many of these days actually fall within that part of the year.

9.3 Full Time Employees

Where an employee starts or leaves the Council part way through a leave year, annual leave is apportioned pro rata to the number of complete weeks and months remaining in that leave year. Extra statutory and privilege days should also be apportioned excluding those fixed by the Council or Service.

9.4 Job Sharers and Part Time Employees

The full time equivalent, part year leave entitlement, should first be worked out as above. For new starters, add on any remaining public holidays in the leave year and then calculate the pro rata leave entitlement

9.5 Booking Leave

9.5.1 If a bank holiday (or fixed privilege day) falls on a day when a part time employee or job sharer is normally at work, leave is booked from her/ his yearly entitlement, on the basis of hours normally worked on that day. If a bank holiday or (fixed privilege day) falls on a day when a job sharer is not normally at work, no leave is booked as they have not taken any time off. This arrangement ensures that the job sharers benefit equally.

9.5.2 Where a part time employee or job sharer works an uneven pattern of hours which are not complete whole or half days, the yearly leave entitlement should be converted into hours. i.e. **No. of days leave x normal daily hours of the post.**