

LEAVE POLICY

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LEAVE POLICY

Introduction:

This policy sets out the Council's policy and procedure on the following types of leave:

- Annual leave, including public holidays
- Discretionary leave (Christmas)
- Unpaid leave
- Compassionate leave
- Time off for dependants
- Special leave
- Jury Service
- Justice of the Peace duties
- Part time lecturing/seminars etc
- Staff contesting parliamentary elections
- Staff serving on committees
- Other types of time off work

This policy applies to all staff employed at the Council. Information on maternity, adoption, paternity, parental, time-off for training, flexi leave and maternity support leave are available on the intranet in the relevant Policy - FAQ, under the staff tab – section work/life balance. Advice about sick leave is provided on the intranet under absence and attendance.

Application:

This policy applies to all staff with the exception of school-based staff who, under local management arrangements are covered by procedures adopted by the Governing Body of each school. This policy excludes supply and casual staff either directly employed or supplied through an agency.

Statement of Intent:

The purpose of this policy is to ensure that there is a consistent approach by managers in authorising time off paid or unpaid to employees.

Principles:

The following principles form the basis of the annual leave procedures:

- Annual leave is intended to provide regular periods of rest and recreation to promote a healthy and balanced working life
- Applications for leave must be made in advance, unless exceptional circumstances dictate that this is not practical. Managers must plan ahead to ensure that there is always adequate cover for absences

1. Public Holidays & Discretionary Leave

Public Holidays are as follows:

- New Year's Day
- Good Friday
- Easter Monday
- Early May Bank Holiday
- Spring Bank Holiday
- Summer Bank Holiday
- Christmas Day
- Boxing Day

Part-time employees are entitled to a pro rata proportion of public holidays, whether or not they would normally work on the public holiday.

Discretionary Leave

The annual leave period runs from 1 April to 31 March. In addition to public holidays, employees are entitled to a discretionary day which is normally taken at Christmas. Where this discretionary day is taken at Christmas, this day will be the last working day before Christmas Day, except where Christmas Day falls on a Wednesday, in which case the extra day will be taken on the following Friday.

For those staff who are required to work on the designated discretionary day, they are allowed to have an alternative day of leave at another time in agreement with their manager."

How to calculate Bank Holidays & Discretionary Leave Entitlement for Part-time Employees

Example: There are 8 bank holidays and 1 discretionary day's holiday in the leave year 2020/21:

2020 – 10 April
13 April
8 & 25 May
31 August,
24, 25, 28 December

2021 – 1 January.

In order to treat part-time and full-time employees equally, part-time staff (this covers all employees who work less than a 36-hour week) are expected to work the same proportion of their working week in a week in which a bank holiday occurs as a full-time employee would work.

For example, during a week that includes a Monday bank holiday a full-time employee who usually works Monday to Friday would work Tuesday to Friday only (i.e. 80% of their normal working week). A part-time employee who works 18 hours per week would therefore also be expected to work 80% of their normal working week (i.e. 14 hours 24 minutes) irrespective of whether or not that bank holiday fell on a day they would normally have worked. This would entail a change in their normal working pattern, which should be arranged in consultation with the manager to cover for service needs:-

Example: There are two part-time employees each working 18 hours per week:

A works Monday and Tuesday (and a half day Wednesday)

B works a full day Thursday and Friday (and a half day Wednesday).

To provide cover Tuesday to Friday inclusive, A might work a full day Tuesday and Wednesday whilst B might work a full day Thursday and Friday (so both work 80% of their normal working week).

Whilst this may appear to disadvantage employee A (who would be expected to work at a time they do not normally work, say Wednesday afternoon) this would not prevent that officer from applying for annual leave or flexi leave. This does not apply to staff employed on a term-time contract.

2. Annual Leave

Annual Leave is extremely important. The Council recognises that for staff to work effectively they need adequate rest and breaks. It is important for managers to encourage their staff to take their full annual leave entitlements.

Managers are responsible for authorising requests for annual leave and are expected to support such requests wherever possible, provided the requests do not cause the team to fail to deliver a service. Requests must not be rejected without specific justifiable reasons and must be on non-discriminatory grounds.

Appropriate arrangements must be made to ensure that all employees are able to take their full annual leave entitlement without detriment to service delivery.

It is the responsibility of managers to decide how much notice they require from staff for annual leave requests, and ensure that their expectations in relation to the notice period they require is communicated to all of their team members.

Employees should submit their annual leave request, via MI Portal or on their annual leave record card and submit to their manager for authorisation. Employees must not book holidays or make arrangements to take annual leave until such time that their manager has confirmed their request for time-off.

Where employees from the same team apply for leave during the same period, it may be necessary to limit the number absent to ensure that services are maintained. Common sense and consideration for others should prevail when resolving these matters.

Details of individual annual leave entitlement are outlined in an employee's contract of employment. Please also see Appendix 4 – Annual Leave Entitlement Table. To calculate the annual leave entitlement of an employee who is leaving, please use the [Annual Leave Calculator](#)

Requests to Carry Over Leave from the Previous Leave Year

The manager should ensure, as far as is practicable, that all staff take their leave entitlement before the end of the leave year. In circumstances where it has not been possible to allow annual leave, the manager may authorise the carry forward of **up to five days** (pro rata for part-time staff).

Where an employee has been unable to take all of their leave entitlement due to sickness absence, which should be covered by a GP's medical certificate, they are able to carry forward any unused leave entitlement from one leave year over to the next.

Where carry-forward of leave is requested to enable a period of extended leave this must not exceed six weeks in total. Such requests should be subject to at least one quarter (25%) of each year's entitlement being taken in that year.

Payment in lieu of annual leave not taken is not permitted unless specifically authorised, for exceptional circumstances, by the Director, or an Assistant Director of the Service Area where the employee is employed. This does not apply where an employee who is leaving has been unable to take all of their leave entitlement due to sickness absence, which is covered by a medical certificate.

Buying Annual Leave

Up to 72 hours (pro rata for part time workers) annual leave can be bought per financial year. The scheme is available to all permanent and temporary staff employed by Enfield Council and who are employed on the Council's terms and conditions. See [Buying Annual Leave Guidance](#) for further information

Employee Annual Leave Card

Employees that do not have access to MI Portal will be issued with an annual leave record card at the start of their employment and a new card at the start of each leave year.

Part-time employees are entitled to annual leave based on a pro rata basis of the full-time equivalent. Annual leave for part-time employees is shown on annual leave cards in hours.

How to calculate part-time leave (where access to MI Portal is not available)

Calculating annual leave entitlement in Hours

Contracted hours per week divided by 5 multiplied by entitlement.

Example: An employee on Scale 6 with 7 years service who works 18 hours per week has an entitlement of: $18 \div 5 \times 30 \text{ days} = 108 \text{ hours per annum}$.

Calculating annual leave entitlement in Days

This is appropriate where a part-time employee works standard hours, e.g. 2 days of 7.2 hours and a half-day of 3.6 hours.

Multiply annual leave entitlement by contracted hours per week and divide by full-time hours.

Example: An employee on Scale 4 with 3 years' service who works 18 hours a week has an entitlement of: $24 \text{ days} \times 18 \div 36 = 12 \text{ standard days per annum}$.

3. Unpaid Leave (up to 6 weeks)

An employee, who has 12 months' continuous service, may apply for up to six weeks unpaid leave using the Unpaid Leave Request Form - Appendix 1.

Granting up to six weeks unpaid leave is at the discretion of the manager and is subject to operational requirements. Applications should only be granted where there is adequate cover and the service will not be unduly affected.

Please note that:

- Section 5 'Time Off for Dependents' refers where the request involves an unexpected event and a few days off to provide adult or child care.

- The [parental leave policy-FAQ](#) refers concerning requests for 1 – 4 weeks unpaid leave for child care purposes
- Section 4 refers if the employee is requesting more than six weeks unpaid leave.

If the leave is granted the manager should complete the [unpaid absence form](#). The completed form should be e-mailed to Payroll in good time to ensure that the employee does not receive pay for the period of unpaid leave.

Conditions of service during a period of unpaid leave are as follows:

- The period of the unpaid leave will count as continuous service
- Unpaid leave is not counted as pensionable service. If an employee wishes to make pension contributions during the period of unpaid leave the Pensions Team can advise how to do this. It is recommended that employees who take unpaid leave for periods of more than 30 calendar days contact the Pensions Team for further advice.
- Employees who take unpaid leave will be entitled to return to the same position under the same terms and conditions except in the situation that their post was made redundant whilst they were on leave. If this occurs they will not be treated less favourably regarding redeployment opportunities.

4. Extended Unpaid Leave (more than 6 weeks)

An employee who has two years' continuous service with Enfield Council may request Extended Unpaid Leave of up to 6 months' duration, using the Extended Leave Request Form – Appendix 2. For shorter periods of leave, please refer to section 3 'Unpaid Leave'.

An employee may apply for Extended Unpaid Leave for such reasons as caring for sick or elderly relatives, voluntary work, to undertake a period of study / training (this is not an exhaustive list). This is provided that:

- They are not currently subject to formal action / a formal warning under the Council's misconduct, absence and attendance or capability procedures
- has not been advised by management that they are at risk of redundancy

The Head of Service would have the discretion to allow the request, provided they consider that the proposed absence could be covered without detrimental effect on or additional cost to the service (e.g. by acting up arrangements or internal secondments).

If the application is approved, the period of extended absence would consist of unpaid leave and the contractual annual leave that would otherwise accrue during the absence period.

For example, an employee with 32 days (230.4 hours) annual leave entitlement who applies for 6 months' leave of absence would be expected to take 16 days (115.2 hours) annual leave - i.e. 6 months' annual leave entitlement. The remainder of the absence would be unpaid leave.

Extended Unpaid Leave must be recorded on mi-portal and Payroll informed by completing an [unpaid absence form](#) in good time to avoid the employee receiving pay during the Extended Unpaid Leave period.

Employees on Extended Unpaid Leave:

- May not undertake any paid work without the Head of Service's prior agreement.
- Must advise their manager promptly of a change of address / contact arrangements so that they can be kept informed of any significant changes, such as the structure of the service / service provision, which may affect their employment with the Council.

Requests to return to work later than agreed should be made in writing, at least 1 month before the employee is due to return to work. The original period of absence plus any agreed extensions to the absence period may not exceed 6 months in total.

It is important to note that failing to return to work on the agreed date would be unauthorised absence, breach the Council's Code of Conduct and the employee could be subject to disciplinary action, which could result in the employee's dismissal.

Conditions of service during a period of Extended Unpaid Leave are the same as stated in the Unpaid Leave section of this policy.

It is recommended that employees who take unpaid leave for periods of more than 30 calendar days contact the Pensions department for further advice.

Employees wishing to take more than 6 months leave should refer to the Council's [Career Break Policy - FAQ](#).

5. Time off for Dependants & Parental Leave

Where an unexpected event occurs all employees (irrespective of length of service, and whether they are part time or full time) are entitled to take a reasonable amount of unpaid time off to take appropriate action such as :

- providing assistance when a dependant falls ill, or is injured or assaulted
- making arrangements for the provision of care for an ill or injured dependant;
- dealing with the unexpected disruption or termination of arrangements for the care of a dependant
- dealing with an incident that involves their child.

The employee must inform their manager of the reason for the absence and how long they expect to be absent as soon as is reasonably practicable. Time off work under this right is envisaged as being no more than one or two days to deal with the emergency and put suitable arrangements in place, where this is necessary, such as alternative dependant care.

A dependant is:

- a spouse
- a partner
- a civil partner
- a child
- a parent
- a person who lives with the employee other than as their employee, tenant, lodger or boarder
- any other person who would reasonably rely on the employee for assistance if they fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury.

An employee with parental responsibility for a child or children who wants to take a period of leave (which will be unpaid) for other than an unexpected event / emergency may be entitled to take Parental Leave. The Council's [Parental Leave Policy](#) - FAQ refers.

For information about leave for the purposes of caring for a child or the child's birth parent around the time of birth please refer to the Council's [Maternity Support Leave Policy - FAQ](#) or the [Paternity Leave Policy - FAQ](#).

6. Compassionate/Special Leave

In certain circumstances, such as bereavement or serious illness, employees may need some time away from work. The Council offers its employees compassionate/special leave, which is discretionary and depends on individual circumstances. For ease of reference this section will refer to compassionate/special leave as compassionate leave, as they are in fact very similar.

A manager should apply the appropriate discretion available in various circumstances. Up to 3 days paid compassionate leave is available for staff coping with the death of a 'near' relative. It is for the manager to apply the appropriate discretion to such cases since relationships within families and the degree of 'nearness' and distress for the employee will, of course, vary. For example, an employee may be as distressed by the death of an in-law, or unmarried partner, as they would a blood relative and in such a case granting up to 3 days compassionate leave may be appropriate.

The same reasoning would apply to time-off to attend a family funeral. Normally it is expected that the manager will grant an additional day's paid leave to attend the funeral of any family member since it would be unreasonable to expect an employee to report for work on such a distressing day.

Consideration should also be given to the need to stay away overnight to attend a funeral in another part of UK or out of the country. Discretion is again needed in such cases.

The arrangements set out below also refer to time-off in the event of the severe illness of a near relative. This is discretionary and up to 10 days unpaid leave is suggested. However, the manager will wish to consider the particular circumstances, for example, the need to provide nursing care or the terminal illness of a near relative. It may be appropriate and helpful to agree a flexible combination, which may comprise of annual leave, flexi leave and unpaid leave.

Up to six weeks maximum additional unpaid absence may be granted according to the circumstances of the case. Generally, annual leave and flexi leave should be taken before unpaid leave. The period of extended leave should be made up of a combination of the balance of the annual leave entitlement plus additional unpaid leave and/or paid leave brought forward from the annual entitlement for the following leave year.

If unpaid leave is agreed directly after paid compassionate leave, the manager should ensure that the 'Unpaid Absence Form' is completed for the period of unpaid leave.

As far as possible, requests for compassionate leave should be made at the time of the occurrence. In some cases approval may have to be given in retrospect, but should only be given where the member of staff concerned can show good reason why approval was not sought at the time.

Please refer to the table in Appendix 3 for guidance on the amount of compassionate leave that managers may authorise, depending on the circumstances. It is at the manager's discretion to

decide whether evidence is required from the employee prior to authorising compassionate leave in certain circumstances.

In the event of doubt or difficulty please contact Human Resources for further guidance.

7. Time off for religious or cultural observance

Enfield Council is sensitive to the fact that there are a number of religious festivals each year, for which there is no recognised “bank-holiday” leave entitlement in the Council (as there is for Christmas/Easter).

All employees who would like to take for time off for religious or cultural observance will be entitled to request the following:

- flexibility in the arrangement of shifts, rotas and working hours generally (on a temporary or permanent basis)
- annual leave, flexi-days or unpaid leave

Managers will be sensitive to their employees’ spiritual and religious needs, and will ensure, where possible, taking into account the needs of the service, that requests for annual leave/flexible working arrangements for religious observances can be accommodated.

All employees, whatever their religion or belief, will be treated equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

8. Jury Service

Time-off is paid for employees on Jury Service. However Jurors must claim the allowance from the Court for the loss of earnings to which they are entitled under the Juror’s Allowance Regulations.

Payroll will deduct the standard loss of earnings amount automatically. Employees should ensure that they forward the Loss of Earnings form that they will receive from the Court, in advance, to Payroll for completion. After attendance at Court, Payroll must be notified of the actual amount received so that any adjustments to pay may be processed.

Employees must agree with their line manager, whether they are required to return to work, in the event that Court proceedings are postponed.

If an employee receives a subpoena to give evidence in Court they must claim the allowance from the Court for the loss of earnings to which they are entitled. Payroll will deduct the standard loss of earnings amount.

9. Justice of the Peace & Reservists (Members of Non-Regular Forces)

Employees holding public positions, such as army reservists (TA) and Justice of the Peace, are entitled to paid time-off work to enable them to perform these duties. Please refer to the table in Appendix 4, which outlines the amount of time-off the manager has discretion to authorise.

10. Part-time Lecturing/Seminars etc.

Managers may authorise employees to undertake part-time lecturing appointments subject to:

- the service not being adversely affected
- the lecturing appointment relates to a course pertinent to local government and where it is important that the experience of a serving officer is made available to students

- the loss of working time, including preparation and travelling time does not exceed one half-day per week
- permission being given for one academic year at a time, and thereafter reviewed annually
- where a fee is paid to an officer for lectures given during working hours, 25% of the fee will be paid to the Council and 75% will be retained by the employee

Where an employee is invited to address seminars, conferences and similar bodies on an ad hoc basis, the manager may approve such time-off, subject to the exigencies of the service, and the number should not exceed six per annum.

11. Employees Contesting Parliamentary Elections

The Executive Director, or Director duly authorised by the Executive Director, may authorise unpaid leave of absence for a period not exceeding three weeks.

Under the provisions of the Local Government Act, only those employees in posts that are not listed or politically restricted will be eligible.

12. Employees Serving on Committees

Employees subject to appointment or nomination by a Government Minister, Association of Local Authorities or a Local Authority to serve on a Committee, Sub-committee, Tribunal, Panel or other similar body may have a maximum of 18 days (or 36 half-days) per annum paid leave at the discretion of the manager. Under the provisions of the Local Government Act, only those employees in posts that are not listed or politically restricted will be eligible.

13. Other Types of Leave

The Council supports employees who take an interest in Council activities and supporting the community. Time-off in order to conduct those duties is at the discretion of the manager. The table in Appendix 4 provides further guidance.

14. Medical Appointments

Managers may request sight of hospital appointment cards and letters.

If an employee requests paid time-off to attend a hospital appointment on more than 6 occasions (or 12 occasions for disability-related hospital appointments) in a 12-month period the manager should refer to Human Resources for further advice. (These limits do not apply to appointments related to pregnancy or maternity).

To minimise the impact on working hours the employee should, where feasible, arrange for hospital appointments to take place as early or late in the day as possible. It may then be reasonably practicable, depending on the time, location and likely duration of the appointment, for the employee to attend work before and / or after the appointment.

There may be occasions when an employee requests time-off to attend a GP (Doctors) or dental appointment. Employees should be encouraged to make GP / dental appointments out of working hours if possible.

If an employee is unable to make a GP or dental appointment outside of their working hours, the employee will need to make up the working time lost by using flexi-time or taking annual leave.

Appendix 1 – Unpaid Leave Request Form – up to six weeks

Please complete and forward the form to your manager.

If you are a member of the Local Government Pension Scheme please contact the Pensions Section if your period of unpaid leave is more than 30 days.

Full Name & Pay Number:

Dept / Service / Team:

Date Enfield Council Employment Commenced:

(a minimum of 12 months' employment required)

Start Date of Unpaid Leave:

Last Day of Unpaid Leave:

Reason for Request:

I confirm that I am applying for a period of unpaid leave as outlined above, and understand that it is my responsibility to contact the Pensions section to discuss my pension contributions.

I understand that failing to return to work on the agreed date would be unauthorised absence, breach the Council's Code of Conduct and that this could result in disciplinary action up to and including dismissal.

Signature: _____ Date: _____

Approved By: _____

Not approved (state reason): _____

Signature: _____ Date: _____

Print Name & Job Title: _____

Appendix 2 – Extended Unpaid Leave Request Form (Duration 7 weeks – 6 months)

Please complete and forward the form to your manager. Your manager should note the request and forward it to the Head of Service for consideration.

If you are a member of the Local Government Pension Scheme please contact the Pensions Section for advice about the effect on your pension benefits.

Full Name & Pay Number:

Dept / Service / Team:

Date that employment with Enfield Council commenced *(you must have at least 2 years employment with Enfield Council):*

Period of Absence Requested fromto.....

Period Covered by Annual Leave:

Period Covered by Unpaid Leave:

Reason for Leave Request:

I confirm that I have read and understand the Council's policy about Extended Unpaid Leave and I have discussed my request for leave with my manager.

I am applying for a period of extended leave as outlined above, and understand that it is my responsibility to contact the Pensions section to discuss the potential effect of my taking unpaid leave on my Local Government Pension benefits.

I understand that failing to return to work on the agreed date would be unauthorised absence, breach the Council's Code of Conduct and that this could result in disciplinary action up to and including dismissal.

Signed:

Date:

Decision to be taken at Head of Service level or above

Is this request approved?

(If yes, please refer authorised form back to line manager to take absence action. If no, please state the reason for this decision)

Full Name:

Job Title:

Signature:

Date:

Appendix 3 – Guidance for Managers re: Amount of Compassionate Leave

Situation	The Manager Can Authorise
<p>Death of near relative:</p> <p>Managers should use their discretion as relationships within families and the degree of 'nearness' and distress for the employee will, of course, vary, but 'near' relative can include:</p> <ul style="list-style-type: none">▪ Spouse or Partner (regardless of gender)▪ Children (including step Children)▪ Parent (including step Parent)▪ Sibling (including step Sibling)	<p>Up to 3 days' paid compassionate leave</p>
<p>Funeral of near relative.</p>	<p>Up to one day's paid compassionate leave</p>
<p>Severe illness of near relative</p>	<p>Up to 10 day's unpaid leave.</p> <p>An additional maximum of 6 weeks absence dependent on circumstances. This can be a mix of paid (e.g. Annual / flexi etc) and/or unpaid absence.</p>

Appendix 4 – Guidance for Managers re: Paid Time-off for Other Types of Leave

Paid time-off for:	Paid	Length	Notes
Blood Donors	Yes	Up to 3 hours for each session	At manager's discretion and can include reasonable travelling time. Employees should be encouraged to make appointments early in the morning or late in the afternoon.
Job Interviews	Yes	Up to half a day for each interview	Only for internal jobs or with another local authority If the employee provides evidence that the interview is taking place in another part of the UK, which is not commutable in half a day, the manager may agree up to one day off work, paid. The Director or Assistant Director of the Service Area must agree requests for more than one day off work, paid, to attend an interview.
Justice of the Peace	Yes	Up to 18 days	At manager's discretion
Reservists (Members of Non-Regular Forces)	Yes	Up to 5 days	At manager's discretion
House Removal	Yes	Up to 2 days	Employee must qualify – please see the Relocation Policy for further guidance.
School Governors	Yes	Up to 10 days	At manager's discretion

Appendix 5 – Annual Leave Entitlement Table

Staff (excluding Directors) Completed Years of Continuous Service as at 31st March

Grade and Spinal Column Points	0 - 4 Years	5 + Years*
Up to and incl. Scale 4 (scp1-11)	24 days	29 days
Scales 5-6 (scp12-22)	25 days	30 days
SO1 to PO2 (scp 23-36)	26 days	31 days
MM1 to HOS3	29 days	31 days

One-off Proportional Leave Entitlement

Officer and former manual staff are entitled to receive a “one off” proportional entitlement of leave to cover the period from the date of their fifth employment anniversary to the following March.

<u>Date of starting</u>	<u>Credit</u>
2 nd April-1 st June inc.	4 days (28.8hrs)
2 nd June – 1 st August inc.	3 days (21.6hrs)
2 nd August – 1 st November inc.	2 days (14.4hrs)
2 nd November – 1 st January inc.	1 day (7.2hrs)
2 nd January – 1 st April inc.	0 days (nil hrs)

Directors/Executive Directors

Completed Years of Continuous Service as at 31st March

Directors 29 days for 0-4 years 32 for 5 years +
Executive Directors 32 days for 0-4 years 35 for 5 years+

Staff with 10 years+ as at 1 January 2009

Staff who have 10 years or more service as at 1 January 2009 are entitled to an additional day's leave. Please note this provision applies to Enfield Council employment only. Staff joining the Council with 10 or more years' continuous local government service will not be entitled to the additional day.

Staff who accrue 10 years or more service after 1 January 2009 will not be entitled to the additional day's leave.