

Introduction

The Council recognises that employees need to balance work responsibilities with home life and other public duties. There may be times in life when we face difficult circumstances or need urgent time off for emergencies. The purpose of this policy is to give practical support to meet these commitments by allowing appropriate time off, as far as operationally possible.

Purpose

The purpose of the authorised leave policy is to provide guidance on:

- the types of leave which may be authorised
- the amounts of leave which may be approved
- the correct procedures to follow when requesting the leave.

This policy is separate to The Management of Absence, Maternity & Adoption, Paternity/Maternity Support, Shared Parental, Parental Leave Policy or, the flexi-time scheme which are available on the intranet.

All authorised leave, aside from jury service, annual leave, bank and public holidays, if granted, may be paid or unpaid and the employee may be required to match any emergency paid time off with their own leave.

In any event, **no more than 15 days' authorised paid leave** will be granted in any 12-month period. The fifteen days does not include annual leave, Bank and public holidays, volunteering or jury service.

Different types of leave

There are several different situations that may require an employee to request authorised leave of absence:

- Annual Leave, Bank and Public Holidays
- Bereavement
- Religious Festivals
- Jury Service
- Armed Forces
- Public Duties

Requesting leave

An employee should apply to take a period of annual leave by submitting a request via the 'my leave requests' tab via the IBC.

All other periods of leave covered in this policy should also be requested via the 'my leave requests' app. Requests for time off should be made in hours. A standard day for a full-time employee is 7.2 hours, anyone working a different pattern should record the number of hours usually worked on that day.

All of the amounts shown within this policy relate to an employee who attends work for 36 hours per week. Part-time workers should pro rata the amounts shown below.

Annual leave

The annual leave year runs from 1 April to the 31 March. Annual leave entitlements are calculated in hours and can be viewed on the IBC. Queries about leave quotas should be directed to the line manager in the first instance.

Annual leave entitlements, which are not inclusive of bank and public holidays are calculated using an employee's length of local government continuous service and their grade.

Grades A – F full entitlements (based on a 36 hour week)

Old grade	New grade	<i>Less than five years' service</i>	<i>Five to ten years' service</i>	<i>More than ten years' service</i>

Apprentices	N/A	23 days 165.6 hours	N/A	N/A
Range A1/A2	A-C	28 days 201.6 hours	30 days 216 hours	30 days 216 hours
Range B	D	28 days 201.6 hours	30 days 216 hours	30 days 216 hours
Range C/D	E-F (scp 23-35)	28 days 201.6 hours	30 days 216 hours	31 days 223.2 hours
PO3/PO4	F (scp 36-38)	30 days 216 hours	30 days 216 hours	33 days 237.6 hours
The IBC will automatically recalculate the annual leave quota when an employee reaches a service anniversary that effects their leave entitlement.				

Grades G-O grades full entitlements (based on a 36 hour week)

<i>Less than five years service</i>	<i>Five to ten years service</i>	<i>More than ten years service</i>
30 days / 216 hours	30 days / 216 hours	33 / 237.6 hours

Change of grade/entitlement

If an employee has a change in grade which will give them more annual leave, then the IBC will calculate this automatically, providing the manager processes this at the time of the change.

If the grade is changed retrospectively and falls into a previous leave year, the manager will need to calculate the leave due in that year and add it to the employees this year's quota. The entitlement for the current leave year will be changed automatically.

Annual leave carry over

Subject to management approval, employees can carry over a maximum of five working days from one leave year to the next (pro-rata for part-timers) *

All leave carried over from one leave year to the next must be taken by the end of June in the new leave year.

Please note that all staff remain obliged to take their legal minimum of 20 statutory leave days, plus their public holiday entitlements during the annual leave year.

Long term sickness

Where because of long-term sickness absence an employee is unable to take all their annual leave during a leave year, they can carry forward to the next leave year the same proportion of their annual leave entitlement, on a statutory basis, as they lost during the year to longterm sickness absence. This is known as accrued leave.

The manager is required to add any accrued leave via the IBC portal using 'manage absence quotas' in the employee's record.

If an employee leaves the Council and prior to this has been off sick and has not had the opportunity to use their contractual annual leave entitlement, a payment in lieu of the contractual leave will be made to the employee.

Bank and public holidays

Employees are entitled to take leave on the bank and public holidays which fall within each leave year, i.e. April to March (pro-rata for part-time employees). They do not need to request leave on these days unless they work in a service where they are required to do so.

The IBC automatically calculates part-time employee's bank holiday entitlement based on length of service, grade, contracted hours, working pattern and will adjust the annual leave quota accordingly.

Bereavement leave

Employees are entitled to request up to 2 weeks paid leave in the event of a close relative passing away. The requests will be granted on a case by case basis by the relevant Director.

Parental bereavement leave

Parental bereavement leave is paid time off to deal with the death of a child, if they die under the age of 18 or are stillborn.

Eligible parents have a right to 2 weeks paid leave at full pay. This right will apply to the:

- biological parent
- adoptive parent, if the child was living with them
- The person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' who was due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

Carers leave

A dependant is someone who depends on the employee for care. This could be a spouse, partner, child, parent, or someone else who depends on the employee, for example an elderly neighbour.

Carers sometimes need to take time off, often just an hour or so, at short notice, usually to attend a medical or care appointment. The caring may be temporary or permanent, thus, most people may be working carers at some point in their lives and for many it may be a long-term matter. A carer may not be the main or only person helping to look after someone.

Carers can access up to 36 hours of authorised leave per year in total, this figure will be pro rata for part-time staff. This time is to be used if needed for caring and can be used at short notice in any reasonable amount, for example taking a couple of hours to cover a medical appointment, or, can be taken in whole days.

Carers leave cannot be carried over from one year to the next.

Time off for emergencies

There may be occasions where an emergency or incident occurs, like a major house fire or a burglary. In the event of such emergencies Directors have the discretion to agree up to five days paid leave.

An employee has the right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies involving people who depend on them and to make any necessary longer-term arrangements. This right applies regardless of their length of service.

There is no right in law to paid time off for family emergencies, so any time off would normally be unpaid. However, Directors have the discretion to grant paid leave for any family emergency, if they consider the circumstances to be exceptional and deserving.

Please note that the Council does not permit paid leave in order to get married, to move house or to wait in for non-emergency household repairs etc. These are deemed to be planned events for which normal leave arrangements can be applied.

Volunteering

The scheme offers employees up to 14.4 hours FTE (two days) paid volunteering leave every year, and up to 86.4 hours FTE (12 Days) paid volunteering leave to continue to support borough specific projects (e.g. the Grenfell Recovery Strategy) with the local community.

To qualify for this leave, colleagues must volunteer for an organisation or community group within the borough of Kensington and Chelsea.

Volunteering can be undertaken within or outside of normal working hours and subject to agreement by the employee's line manager.

More information can be founds here - [Link to full Volunteering Scheme Guidance](#)

Religious festivals

The Council does not offer paid leave for such absence requests. With manager approval employees should consider using:

- annual leave entitlement
- flexi-time arrangements
- one-off/discretionary flexi time off to be made up at a later time
- unpaid leave

Unpaid Leave

All employees can apply for up to 12 months unpaid leave if they have been in post for more than one year. The employee's application can only be considered where they are not currently subject to formal action under the capability, disciplinary or sickness absence procedures.

Taking up paid employment with another employer is not permitted during unpaid leave unless there are exceptional circumstances. If this condition is breached, the leave will be terminated, and the employee will be required to resign or return to the organisation.

Reasons for unpaid leave might include:

- Childcare / caring responsibilities
- Travel
- Study, personal or professional development
- Voluntary work

Terms and Conditions during the period of unpaid leave

For the duration of the leave the employee will benefit from a continued contractual relationship therefore, their continuous service will remain unbroken.

If the unpaid leave lasts for one month or more, then annual leave will not be accrued during the time away from work.

Outstanding season ticket loans must be repaid prior to the start of the unpaid leave.

Pension

Unpaid leave does not qualify as recognisable service for pension purposes and will affect future pension entitlements. Unpaid contributions during this period may affect pension benefits.

On their return to work an employee can elect to pay pension contributions to maintain continuity of service. They will need to pay employee and employer's contributions.

Employees should contact the IBC within 30 days of their return for further details.

Keeping in touch

It's recommended that a discussion takes place between the employee and line manager regarding the level of contact the employee wishes to have during the period of unpaid leave.

Organisational changes during unpaid leave

If organisational changes occur while an employee is on unpaid leave the manager will ensure that they are involved in any consultation process on the same basis as all other affected employees.

How to apply for a period of unpaid leave

Applications for unpaid leave should be submitted in writing to the line manager with sufficient notice so that, if granted, arrangements can be made to cover the absence. In most cases 3 months' notice should be enough but in some services the manager may require more time.

Applications should set out the reason(s) for the leave and identify the potential difficulties and benefits to the department in relation to the request.

The manager will take into account the following when considering the request:

- Circumstances of the request
- Current and projected needs of the service
- Length of period requested
- Consideration of any outstanding work commitments
- Potential benefits to the council e.g. avoidance of burnout/retention of employee, potential increase in skills and experience
- Ability to cover the role while the employee is absent
- The impact on colleagues and the service

Managers should contact the employee to either request further information or to provide the outcome of the request within 14 days of receiving the request. Where a request is refused, employees should be given clear reasons for the refusal. There is no right of appeal.

If the request is granted, then the employee will need to enter the leave dates in the IBC via the 'my leave requests' app. The relevant dates should be selected in the same way as

annual leave is booked but 'unpaid leave' must be selected from the drop-down box at the top of the page.

Returning to work

A return date must be agreed prior to the start of the unpaid leave. Requests to return early or extend the leave can be granted provided the period does not last longer than 12 months. Agreement will be at the discretion of the line manager, taking into account service needs and implications for the team.

The employee must give 8 weeks' notice, in writing, if they wish to change their return to work date to enable the necessary arrangements to be put in place.

If there are no changes to the original return date no further action needs to be taken via the IBC.

If the return date does change then the manager will need to raise an enquiry via the IBC portal specifying the new return to work date.

Resignation during a period of unpaid leave

If an employee decides to resign during unpaid leave, they must submit their resignation to their line manager. The contract of employment will normally cease from the date when the resignation is received i.e. it is not expected that a notice period will be worked.

The line manager will need to complete the leaver form via the IBC portal

Jury Service

The Council is legally obliged to release an employee from work to attend jury service. Individuals may apply to the court to be excused from jury service on the grounds that their absence would cause 'substantial injury to their employer's undertaking.' Compelling evidence is normally required for the employee to be excused and any exemption must be requested by the employee after a discussion with their Director.

Employees will receive their normal pay whilst on jury service.

The Court will also pay the employee for their loss of earnings. On the employees return, they will submit their loss of earnings form and this amount will be deducted from their next available pay.

An employee must declare the payment received to ensure no overpayment is made to them.

Any allowances the employee receives for travelling or subsistence will not be deducted from pay. It is up to the employee to ensure that he or she claims the attendance allowance from the court.

Employees responsibilities

Employees should inform their line manager they have received a summons to attend court as a juror as soon as possible. If an exemption from jury service is required, a letter of support from the Director will be provided to the court.

Submit the "Employer's Certificate" form, which is sent along with the summons, through the ESS Portal to be completed.

When attending jury service, the employee should collect and complete an Attendance Allowance Claim Form. This allowance is paid directly by the court and includes an amount to compensate for loss of earnings. It is the employee's responsibility to claim this.

The jury service should be recorded in the IBC via the 'my leave requests' app selecting 'jury & witness service' from the drop-down box. The leave must accurately reflect the time spent serving as a juror, recording any part days as appropriate.

On completion of jury service, contact IBC support team and submit through the ESS portal, the attendance forms and statement of "earnings" from the Court to ensure accurate deductions are made from the next pay for the time spent at court.

You can find out more about jury service on Her Majesty's Courts Service website <http://www.hmcourts-service.gov.uk/>

Please also refer to the jury service process map.

Managers responsibilities

Once the manager has been informed of the jury service they should determine if an exemption is applicable and, if so, seek written support from the Director for the employee to submit to the court.

Complete the 'certificate of loss of earnings' section on whether the employee is able to return to work.

Inform the employee that they should return to work on any full or half day when they are not required to attend court and where jury service is completed before the end of the

two week period. However, where this is not feasible for the service, the manager can select 'no' on the form.

Check that the employee has correctly entered their jury service in the IBC and follow this up if necessary.

Armed Forces Leave

Employees will be entitled to the following paid leave:

- Paid leave will be granted for ten days annual training for volunteer members of the non-regular forces.
- In times of significant conflict and pressure on military services, requests for additional leave will be considered in the light of the needs of the service, and where granted, will ensure the individual employee does not suffer any financial detriment e.g. payment will be based on the difference between the military salary paid and the employee's normal salary to ensure no financial loss.
- Unpaid leave will be granted in times of war in order to go, and to return to the same or a similar post.

The contract of employment will be suspended in the interim. The period of military service will not count towards the calculation of continuous service for purposes such as annual leave.

The period of military service will be counted for pension purposes. If the employee's military pay equals or exceeds their normal pay, they will have to pay basic pension contributions. For further information, please contact the pension department.

Public Duties

Where an employee holds a public office or public position, they will be granted paid time off work, in accordance with the information below, to perform the duties associated with that position:

- Relevant position within an education setting – up to 2 days a year
- Membership of a local authority e.g. Councillor – up to 5 days a year
- Membership of a statutory tribunal e.g. employment tribunal – up to 5 days a year • Acting as Justice of the Peace - up to 5 days a year

Employees should declare membership of such bodies on the Staff Declaration of Interests form, available on the Council's Intranet

Study Leave

For staff undertaking a **work-related** qualification or learning that is supported by the Council following and is work related study leave will be agreed:

- Up to 5 days paid revision leave per academic year for staff on day or block release; generally, one day per subject.
- Up to 8 days maximum revision leave per academic year for staff taking evening classes, correspondence courses or studying privately.
- In addition to revision leave, leave with pay is granted for the purpose of sitting examinations.

Further information can be found here - [Study Leave](#)

Health appointments

Managers have the discretion to allow paid time off for medical appointments, taking into consideration the reasonableness of the appointment and the urgency of the circumstances. It is expected employees make appointments outside working time, wherever possible, to minimise working time lost.

Whole or half day appointments, should be recorded as medical appointments on ESS via the 'my leave requests' tab.

Employees requiring a series of regular medical appointments should agree with their manager how this time will be regarded.

Election duty

The Council encourages employees to take an active role in elections within the Borough. Time off for election duty in the Borough should not unreasonably be refused by the employee's line manager. Employees who take up the role of Presiding Officer or Poll Clerk at elections will receive full paid leave for the day in addition to any fee they may receive for this work.

Carrying out these duties for another borough will require the employee to take a day's annual leave.

