



ADUR & WORTHING  
COUNCILS

11 March 2024

<b>Joint Staff Committee</b>	
<b>Date:</b>	<b>19 March 2024</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>QEII Room, Shoreham Centre, Shoreham-by-Sea</b>

**Committee Membership:**

**Adur District Council:** Councillors; Carson Albury (Adur Chairman), Mandy Buxton (Adur Vice-Chairman) and Robina Baine

**Worthing Borough Council:** Councillors; Rosey Whorlow, Margaret Howard and Elizabeth Sparkes

**Agenda**

**Part A**

**1. Substitute Members**

Any substitute members should declare their substitution.

**2. Minutes**

To approve the minutes of the Joint Staff Committee meeting held on 29th March 2023, copies of which have been previously circulated.

### **3. Declarations of Interest**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt, contact the Legal or Democratic Services representative for this meeting.

### **4. Public Question Time**

To provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on 14th March 2024.

Questions should be submitted to Democratic Services via email at [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

### **5. Members Questions under Council Procedure Rule 12**

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by midday on 14th March 2024 to Democratic Services, [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

*(Note: Member Question Time will operate for a maximum of 30 minutes)*

### **6. Items Raised under Urgency Provisions**

To consider any items the Chairman of the meeting considers to be urgent.

### **7. Legislative updates to Flexible Working, Family Friendly and Leave Policies for Adur and Worthing Council Staff (Pages 5 - 46)**

To consider a report by the Assistant Director for People & Change, attached as Item 7.

## **Part B - Not for Publication – Exempt Information Reports**

None.

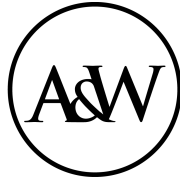
### Recording of this meeting

Please note that this meeting is being live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Neil Terry Democratic Services Manager & Deputy Monitoring Officer 01903 221073 neil.terry@adur-worthing.gov.uk	Joanne Lee Assistant Director for Legal & Democratic Services & Monitoring Officer <a href="mailto:joanne.lee@adur-worthing.gov.uk">joanne.lee@adur-worthing.gov.uk</a>

**Duration of the Meeting:** Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR & WORTHING  
COUNCILS

Joint Staff Committee  
19 March 2024

Ward(s) Affected: n/a

## Legislative updates to Flexible Working, Family Friendly and Leave policies for Adur and Worthing Council Staff

### Report by the Assistant Director for People & Change

#### Officer Contact Details

Noel Hatch, Assistant Director - People & Change  
[noel.hatch@adur-worthing.gov.uk](mailto:noel.hatch@adur-worthing.gov.uk)

#### Officer Contact Details

Debbie Childs, People Hub Manager - People & Change  
[deborah.childs@adur-worthing.gov.uk](mailto:deborah.childs@adur-worthing.gov.uk)

### Executive Summary

#### 1. Purpose

- 1.1. The report summarises the Flexible Working (Amendment) Regulations 2023, Paternity Leave (Amendment) Regulations 2024 and Carer's Leave Act 2023 and Carer's Leave Regulations 2024 which will apply as of April 2024.

#### 2. Recommendations

That the Joint Staff Committee

- 2.1. Notes the legislative changes to Adur & Worthing Councils' Flexible Working Policy, Family Friendly (Paternity Leave, Parental Leave, and Childcare Subsidy) Policy and Leave Policy with immediate effect.

2.2. Notes that where Adur & Worthing Councils policies above are more generous than the Government legislative requirement, the policies will not change. The changes are intended to ensure the Councils comply with government legislation not to reduce employee rights.

2.3. Delegates authority to the Assistant Director for People & Change (in consultation with the Chief Financial Officer and the Assistant Director for Legal & Democratic Services, where relevant) to make minor and non-material amendments to the policies above in accordance with the legislative requirements.

### **3. Context**

#### **Flexible Working**

- 3.1. Adur and Worthing Councils currently have a policy in place to support flexible working.
- 3.2. The Councils recognise that flexible working can increase staff motivation, promote work-life balance, reduce stress and improve performance and productivity.
- 3.3. The Councils encourage employees to work their hours flexibly where their role and the needs of the service can accommodate it.

#### **Family Friendly Working**

- 3.4. Adur and Worthing Councils currently have a policy in place which sets out the support that our employees may receive when they become parents or take on parental responsibility for a child.
- 3.5. The Family Friendly (Paternity Leave, Parental Leave, and Childcare Subsidy) Policy demonstrates the Councils' commitment to employee well-being by providing the necessary flexibility so that they may attend to their family needs.

#### **Leave Policy**

- 3.6. Adur & Worthing Councils are committed to helping employees to achieve a healthy work-life balance and currently have a policy in place which provides a standard and equitable approach to the management of leave.

- 3.7. As well as ensuring that annual leave is managed fairly and consistently, the aim of the Leave Policy is to provide a framework that enables employees to request reasonable time off for key life stages, life events and caring responsibilities.

#### **4. Issues for consideration**

##### **Flexible Working**

- 4.1. The Employment Relations (Flexible Working) Act 2023 and Flexible Working (Amendment) Regulations 2023 will apply to flexible working requests made on or after 6 April 2024.
- 4.2. The amendments to Appendix 1- Councils' Flexible Working Policy reflect the legislative changes which will come into effect on 6 April 2024 and are necessary to ensure that the policy remains legally compliant. Appendix 1B outlines the summary of proposed changes to the policy above.

##### **Family Friendly Working**

- 4.3. The Paternity Leave (Amendment) Regulations 2024 came into effect on 8 March 2024. The Regulations will apply to babies expected to be born after 6 April 2024 and to children expected to be placed for adoption on or after 6 April 2024.
- 4.4. The amendments to the Appendix 2 - Councils' Family Friendly (Paternity Leave, Parental Leave, and Childcare Subsidy) Policy reflect the legislative changes which will come into effect on 6 April 2024 and are necessary to ensure that the policy remains legally compliant. Appendix 2B outlines the summary of proposed changes to the policy above.
- 4.5. A decision is needed by members as to whether they support the legislative changes to this policy, which will apply to all employees who meet the eligibility criteria for Paternity Leave.

##### **Leave**

- 4.6. The Carer's Leave Act 2023 and Carer's Leave Regulations 2024 introduce a statutory entitlement to one week's unpaid carer's leave within any 12-month period for the purpose of providing or arranging care for a dependant with a long-term care need.
- 4.7. The amendments to the Appendix 3 - Councils' Leave Policy reflect the

legislative changes which will come into effect on 6 April 2024 and are necessary to ensure that the policy remains legally compliant. Appendix 3B outlines the summary of proposed changes to the policy above.

## **5. Engagement and Communication**

- 5.1. Engagement with Unison to seek agreement to the proposed updates to the Flexible Working Policy, Family Friendly Policy and the Leave Policy is currently ongoing and the Committee will be updated on the outcome of the engagement.

## **6. Financial Implications**

- 6.1. There are no additional financial costs arising from the proposed changes to the policies as outlined in this report.

## **7. Legal Implications**

- 7.1. This policy is not contractual and does not form part of the terms and conditions of employment.
- 7.2. Section 112 Local Government Act 1972 gives the Council the power to appoint staff on such reasonable terms and conditions as it considers appropriate.
- 7.3. The changes proposed to the Policy arise from new legislation and it is therefore very important that the Councils update the Policy to reflect those changes so that the correct procedure is followed when flexible working requests are made. There is an Employment Tribunal claim that may arise if a flexible working request is not handled in a procedurally correct way. Other claims could be brought if an employee is subject to any detrimental treatment or unfairly dismissed for making a flexible working request, or for bringing proceedings for any procedural failings relating to the request.



## **Sustainability & Risk Assessment**

- 1. Economic**
  - Matter considered and no issues identified.
  
- 2. Social**
  - Matter considered and no issues identified.
  
- 2.1 Social Value**
  - Matter considered and no issues identified.
  
- 2.2 Equality Issues**
  - Matter considered and no issues identified.
  
- 2.3 Community Safety Issues (Section 17)**
  - Matter considered and no issues identified.
  
- 2.4 Human Rights Issues**
  - Matter considered and no issues identified.
  
- 3. Environmental**
  - Matter considered and no issues identified.
  
- 4. Governance**
  - Matter considered and no issues identified.



# Flexible Working Policy

## 1.0 Overview

- 1.1 This policy applies to all employees of Adur and Worthing Councils. It details arrangements for accruing hours and for submitting a formal flexible working request to alter an individual's pattern of work.
- 1.2 This differs from informal ad-hoc arrangements where employees and managers can agree changes to the working week (i.e. switching working days)
- 1.3 The Councils recognise that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity. This policy sets out the options for flexible working arrangements to benefit the Councils, their employees and customers.
- 1.4 All employees have the responsibility for adhering to this policy. Individual areas of responsibility are:
  - **Corporate Leadership Team** – overall responsibility for publishing and promoting the adoption of this policy across the Councils and ensuring that flexible working arrangements are managed appropriately in accordance with agreed policies
  - **People & Change team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice
  - **Managers** – the day-to-day management of working arrangements, responding to flexible working requests and ensuring compliance with this policy
  - **Employees** - familiarising themselves with this policy

1.5 This policy should be interpreted in accordance with the Equality Act 2010 and shall be applied fairly and consistently to all employees.

## **2.0 Accrued Hours**

2.1 The standard full-time working week for all employees is 37 hours.

2.2 Accrued hours apply to all employees apart from service managers (those who report directly into a Head of Service or above) and should be discussed regularly in 1:1s.

2.3 Individuals can accrue and take off accrued hours where:

- (a) Accruing hours is appropriate with an individual's pattern of work and the needs of the service
- (b) Where higher workloads require an individual to work over their contracted hours on occasion (in line with Working Time Regulations)
- (c) Accrued hours have been agreed with their line manager

2.4 Accrued hours are different to pre-agreed paid overtime and, as such, accrued hours will not ever be compensated financially.

2.5 Accrued hours are also different to how an individual (at any pay grade) organises their working week. For example, an individual who has to attend an evening committee or meeting may organise their schedule accordingly, starting their working day later on the day of the meeting itself or another day that week.

2.6 Only a maximum of 10 hours may be accrued, taken or carried forward into the next calendar month (apart from where the exception detailed in 2.7 applies). Any hours worked by an individual over and above this will be, for all intents and purposes, lost.

2.7 There may be exceptional cases where an individual will accrue over 10 hours (i.e. to deliver a time-sensitive project). This must be agreed with the line manager in advance.

2.8 If an individual needs to work over their set hours on a regular basis the manager will need to look at service structure, workloads and performance of the individual employee.

2.9 Any member of staff who accrues hours must use the time recording sheet available on the flexible working intranet page and must make it available to their manager. Any employee without access to the intranet can make agreements with their individual line manager.

2.10 Meetings of unions and their official bodies of which staff may be members will be recognised as official duty only up to 17:30. Any attendance at these meetings after this time will be considered to be in the person's own time and cannot be accrued/taken off later.

### **3.0 Right to Request Flexible Working**

3.1 A flexible working request is a request submitted by an employee for one or more of the following:

- A change to the hours they are required to work
- A change to the times when they are required to work
- A change to where they are required to work

3.2 An employee has a statutory right to request flexible working from their first day of employment and is entitled to submit a maximum of two requests for flexible working within any 12-month period.

3.3 An employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments). If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

3.4 Any request to alter the hours or times of work will be a permanent change to the employee's terms and conditions of employment, unless a trial or temporary period is agreed.

3.5 If an application does not contain all of the required information the line manager will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

3.6 Flexible working patterns could include:

- Part-time working
- Job sharing
- Term-time working
- Reducing or increasing hours worked
- Compressed hours
- Staggered hours
- Annualised hours
- Flexible retirement (please see flexible retirement policy)
- Different work location

3.7 Further details of flexible working patterns are available on the intranet or in the place of work.

3.8 Any flexible working request must be submitted via the form available on the intranet or if the individual does not have access to the intranet it should be submitted in writing and must:

- state that it is an application to change the employee's terms and conditions of employment in order to work flexibly
- specify the change applied for and the date on which the individual would like the change to become effective
- state whether a previous application for flexible working has been made by the employee and, if so, when
- be dated
- state if the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability

3.9 Flexible working requests will only be rejected for one of the following business reasons as set out in legislation:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff to fill the remaining hours if an individual wishes to reduce their hours
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to the business

3.10 There may be some occasions, when a manager receives more than one request to work flexibly from different employees. Where this happens it may not be possible to grant all of the requests received, although each will be considered. Requests will be considered in the order they are received. The organisation may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period

3.11 For any flexible working request, the manager will meet with the individual within 10 days and discuss their request (at the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative and if this is the case, the manager may be accompanied by a member of the People & Change team.)

3.12 All employees with flexible working arrangements have the right not to be treated less favourably than full-time workers. This extends to matters relating to overtime payments, holiday pay, bank holidays, sickness benefits, selection for redundancy and access to pension schemes.

3.13 All terms and conditions (some of which are detailed in 3.8) for those working less than full-time hours will be applied pro rata to the hours worked, unless otherwise specified in the letter of appointment.

## **4.0 Right to Appeal**

4.1 The employee has the right to appeal the decision if their request is refused or is only agreed in part. If they wish to do this, the employee must lodge an appeal in writing within 7 days of being notified of a decision on their application. The appeal will be heard within 14 calendar days and the employee will be informed of the outcome to their appeal within 14 days of the appeal meeting. These time limits may be extended with the agreement of both the employee and People & Change.

4.2 Appeals may only be raised on the grounds of:

- Procedure – where a failure to follow procedure had a material effect on the decision;
- Decision - the conclusion and/or sanction issued is deemed inappropriate based on the information provided at the hearing; or
- New evidence - which has come to light.

4.3 The outcome of an appeal is final and any further flexible working requests submitted by the individual will only be considered up to the maximum of two requests permitted within any 12-month period.

4.4 Further details of the appeal can be found in the Flexible Working Procedure documents available on the intranet and in the place of work.

## **5.0 Support and the right to representation**

5.1 Employees have a right to be accompanied at an appeal by a trade union representative or by an Adur & Worthing workplace colleague. Accompanying someone is voluntary and an employee's colleagues are under no obligation to do so. If they agree to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.

5.2 It is the responsibility of each employee to arrange their own trade union representative or an Adur & Worthing workplace colleague, pass on all details (such as paperwork, meeting information) and to inform the manager at least 3 days in advance of the meeting who will be accompanying them.

5.3 There is no right to legal representation at any stage of this procedure. Legal representatives, including lawyers employed by the Councils, whether or not acting in any official capacity have no right to accompany an individual.

5.4 If the employee is unable to attend the meeting for whatever reason (i.e. ill health), the employee (or in exceptional circumstances, the trade union representative/Adur & Worthing workplace colleague) must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.

5.5 If an individual's trade union representative or Adur & Worthing workplace colleague is unable to attend the meeting date or time, the individual should first see if another representative/Adur & Worthing workplace colleague can attend to support in their place. If this is not possible, the employee must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.

5.6 If the individual fails to attend both the first and rearranged meeting, the request will be considered to be withdrawn and the individual will be informed of this.

5.7 Managers have a right to be accompanied at all formal meetings or appeals by a Human Resources representative. The role of the People & Change representative is to advise the manager on policy/procedure. The manager is the decision maker.

## **6.0 Monitoring and Review**

6.1 This policy will be monitored and reviewed on a regular basis by the People & Change team with a thorough review taking place in three years if required.

## **7.0 Legislative framework**

7.1 This policy has been written in reference to the following documents:

- The Employment Rights Act 1996
- Working Time Regulations
- The Equality Act 2010
- The ACAS (Advisory, Conciliation and Arbitration Service) 'handling in a reasonable manner requests to work flexibly' Code of Practice
- Flexible Working Regulations 2014 and Flexible Working (Amendment) Regulations 2023

Date policy agreed with Unison: tbc

Date agreed by Joint Staff Committee: tbc

Date policy formally adopted: tbc

Date for review: 3 years from formal adoption of policy (tbc)

### Summary of proposed changes / implementations / improvements

Policy for review: Flexible Working Policy

Current Policy position / wording	Proposed changes / implementations / improvements	Rationale
<p>3.2 In line with regulations, to qualify to make a flexible working request, an individual must:</p> <ul style="list-style-type: none"> <li>• Have been continuously employed by the Councils for at least 26 weeks at the time he or she makes the application</li> </ul>	<p><b><u>Removal of service qualification</u></b></p> <p>Under the current legislation, workers must have been employed for at least 26 weeks before making a request to work flexibly.</p> <p>From 6 April 2024 the right to request flexible working will become a Day 1 right.</p>	<p>All proposed amendments are in response to legislative changes (Flexible Working (Amendment) Regulations 2023) which will come into effect on 6 April 2024.</p>
<p>3.11 For any flexible working request, the manager will meet with the individual within 28 days and discuss their request.</p>	<p><b><u>Requirement to consult with employee</u></b></p> <p>Employers will be required to consult with employees. Before they reject any request for flexible working arrangements, an employer must explain the reasons behind their decision.</p> <p>Process remains unchanged from current policy.</p>	
<p>3.2 In line with regulations, to qualify to make a flexible working request, an individual must:</p>	<p><b><u>Two requests per 12 months</u></b></p> <p>From 6 April 2024 employees will be able to make two flexible working requests within a</p>	



<ul style="list-style-type: none"> <li>• Not have submitted an application within the previous 12 months.</li> </ul>	<p>12-month period, compared to the single request they are currently allowed.</p>	
<p>3.11 For any flexible working request, the manager will meet with the individual within 28 days and discuss their request</p> <p>4.1 The employee has the right to appeal the decision if their request is refused or is only agreed in part. If they wish to do this, the employee must lodge an appeal in writing within 7 days of being notified of a decision on their application. The appeal will be heard within 14 calendar days and the employee will be informed of the outcome to their appeal within 14 days of the appeal meeting. These time limits may be extended with the agreement of both the employee and People &amp; Change.</p> <p>4.3 The outcome of an appeal is final and the individual will then be unable to submit a flexible working request for a further 12 months.</p> <p>5.6 If the individual fails to attend both the first and rearranged meeting, the request will be considered to be withdrawn and the individual will be informed of this. They will not be able</p>	<p><b><u>Respond to requests within 2 months</u></b></p> <p>The time employers have to respond to a flexible working request (including completion of the appeals process) will be reduced to two months from the three months allowed under current rules.</p> <p>Where a request is refused or a request is withdrawn, the employee will be permitted to submit further flexible working requests up to a maximum of two requests within a 12-month period.</p>	

<p>to submit an application for flexible working for a further 12 months.</p>		
<p>3.8 Any flexible working request must be submitted via the form available on the intranet or if the individual does not have access to the intranet it should be submitted in writing and must:</p> <ul style="list-style-type: none"> <li>explain what effect (if any) the change might have on the team and wider Councils and how, in the employee's opinion, any such effect might be dealt with</li> </ul>	<p><b><u>Remove requirement for employees to set out the effect of their request</u></b></p> <p>There will no longer be a requirement for the employee to explain what effect their flexible working request will have on the employer or how the impact might be dealt with.</p>	
<p>6.1 This policy will be monitored and reviewed on a regular basis by the Human Resources team with a thorough review taking place in three years if required.</p>	<p>Human Resources team updated to People &amp; Change team.</p>	
	<p><b>Next steps: FAQs, Flexible Working Request form and application form to be updated</b></p>	
	<p><b>Confirm timescales for publicising the above changes</b></p>	

	<b>Confirm timescales for the provision of training for managers in responding to flexible working requests</b>	
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ADUR & WORTHING  
COUNCILS

# Family Friendly Policy (Paternity Leave, Parental Leave, and Childcare Subsidy Policy)

## 1.0 Overview

- 1.1 The Councils are committed to all its staff being able to enjoy a quality of life. This Family Friendly Policy is intended to help staff achieve a healthy work-life balance.
- 1.2 Areas covered in this policy include paternity leave; parental leave and childcare subsidy.
- 1.3 This policy only applies to employees, with the exception of the right to time off for antenatal appointments.
- 1.4 This policy does not form part of any individual's contract of employment and it may be amended.

## 2.0 Areas of responsibility

- 2.1 All employees have the responsibility for complying with this policy. Individual areas of responsibility are:
  - **Corporate Leadership Team** – publicising the policy
  - **HR team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice
  - **Managers** - responsibility for ensuring the fair application of this policy, liaising with employees before and during leave.
  - **Employees and those working on behalf of the Councils** – complying with the spirit and wording of this policy, ensuring they read and understand this policy and submit relevant documentation as required.

## 3.0 Paternity leave

Length of leave and timing

- 3.1 Paternity leave of two weeks is available to employees working for the Councils.
- 3.2 The leave must be taken during the first 56 days (eight weeks) of the birth or adoption of a child, or within 56 days of the first day of the Expected Week of Childbirth (if the child was born early).
- 3.3 The leave must be taken in a single block of one or two weeks (not as individual days or two one week blocks).

### **Entitlement to paternity leave**

- 3.4 Paternity leave is available for the purpose of caring for a child and supporting the child's other parent in the following cases:
  - a. On the birth of a child, where either:
    - I. be the baby's biological father, or married to or in a civil partnership with the mother, or living with the mother in an enduring relationship, but not be an immediate relative;
    - II. have or expect to have responsibility for the upbringing of the child;
    - III. by making the request to help care for the child or to support the child's mother.
  - b. On the birth of a child to a surrogate mother where you are, or your partner is, one of the child's biological parents, and you expect to obtain a parental order giving you and your partner responsibility for the child.
  - c. Where an adoption agency places a child with you and/or your partner for adoption and you expect to have main responsibility (with your partner) for the child's upbringing.
  - d. Where a local authority places a child with you and/or your partner under a fostering for adoption arrangement and you expect to have main responsibility (with your partner) for the child's upbringing.
- 3.5 To be eligible for this leave, employees must:
  - have continuous service of at least 26 weeks by the end of the 15th week before the Expected Week of Childbirth or by the week in which you or your partner are notified by the adoption agency or local authority that you/they have been matched with a child and
  - not have already taken shared parental leave in respect of the same child and
  - given the correct notice.

### **Notification requirements**

- 3.6 To take paternity leave, employees must provide written notice by the end of the 15th week before the Expected Week of Childbirth or no more than seven days after the employee and/or Partner were notified of having been matched with the child, or as soon as is reasonable stating:
- a. the Expected Week of Childbirth or the Expected Placement Date (see section 6.2(b));
  - b. the date the employee wants the leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth) and
  - c. whether the employee intends to take one week or two weeks' leave.

### **Changing leave dates or cancelling leave**

- 3.7 Employees may vary the start date of the paternity leave if notice is given as follows:
- a. If the employee wishes to start their leave on the day of the child's birth or on the day that the child is placed with them, notice of at least 28 days before the first day of the Expected Week of Childbirth or the Expected Placement Date.
  - b. If the employee wishes to start their leave on a specified number of days after the child's birth or placement, notice of at least 28 days (minus the specified number of days) before the first day or the Expected Week of Childbirth or the Expected Placement Date.
  - c. If the employee wishes to start their leave on a specified date that is different to the original start date the employee informed of, notice of at least 28 days before that date.

- 3.8 If 28 days' written notice is not possible, the employee should provide as much notice as possible.

### **Statutory Paternity pay**

- 3.9 Paternity pay is paid at either 90% of a week's pay or at statutory paternity pay, whichever is the highest. This pay is treated as earnings and is therefore subject to the normal pay deductions (i.e. national insurance, income tax and pension contributions). Paternity Pay will include those commissions, overtime payments, Out of Hours payments and other allowances that are made regularly, excluding expenses. An average of the previous 12 weeks income will be used as a guide. In order to qualify for paternity pay, the average weekly earnings cannot be less than the lower earnings limit set by the government.

- 3.10 To be eligible for paternity pay, the individual must complete the form available on the intranet or in the workplace and provide a copy of the MAT B1 form or proof of adoption. This form must be given to their manager at least 15 weeks before the Expected Week of Childbirth or, for adoption, as soon as they find out the Expected Placement Date.

## **4.0 Parental Leave**

- 4.1 Eligible employees can take unpaid parental leave for the purposes of caring for a child, e.g. settle children into new childcare arrangements, look at new schools or spend more time with family.
- 4.2 Individuals taking parental leave are entitled to return to the job they were employed to do and are entitled to terms and conditions no less favourable than if they had not been absent.
- 4.3 Parental leave is unpaid. Individuals are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday with a limit of 4 weeks each year for each child (unless the manager agrees otherwise).
- 4.4 Parental leave is usually taken as whole weeks (e.g. 1 week, 2 weeks etc.) rather than individual days, unless the manager agrees otherwise or if the child is disabled. For the purposes of this policy, a child is disabled if the child would be considered disabled by the terms of the 2010 Equality Act.

### **Eligible employees**

- 4.5 Individuals qualify for parental leave if all of the following apply:
- they are an employee (i.e. not a self-employed contractor or a 'worker')
  - they have been working for the Councils for more than a year
  - they are named on the child's birth or adoption certificate or they have or expect to have parental responsibility
  - they are not a foster parent (unless they have secured parental responsibility through the courts),
  - the child is under 18 and
  - they are a step parent through marriage/civil partnership.
- 4.6 Before the initial period of parental leave, managers may ask to see evidence of:
- a) the employee's responsibility or expected responsibility for the child, such as birth certificate, adoption or matching certificate, parental responsibility agreement or court order.
  - b) the child's date of birth or date of adoption placement.

### **Notice**

- 4.7 Employees should make every endeavour to give at least 21 days notice before they intend to start their period of parental leave but are encouraged to give as much notice as possible of their intention to take parental leave. The notice must specify the dates on which the period of leave is to begin and end.
- 4.8 Employees wishing to take parental leave commencing immediately on the birth of a child or the adoption of a child shall give at least 21 days notice before the start of the Expected Week of Childbirth/placement. If this is not possible, as much notice as possible should be given. The notice must specify the Expected Week of Childbirth/placement and the duration of the period of leave required.
- 4.9 Employees should make every endeavour to give at least 21 days' notice of the need to take Parental Leave. However, it is understood that there will be unprecedented events which will leave employees with a need for Parental Leave which falls outside of Emergency Leave. For example, the serious and unexpected illness of a child. In such instances, the requirement for 21 days' notice will be waived.
- 4.10 Managers will make all efforts to agree the leave and not postpone it, unless there is a significant reason for not agreeing it, e.g. it would cause serious disruption to the service. If there is a significant reason, the manager should speak to their People Specialist.
- 4.11 If the manager needs to postpone the leave, the employee will be consulted about alternative dates. The manager must notify the employee in writing of the reason for postponement and the new start and end dates of the parental leave. The postponed date must be within six months of the requested start date.
- 4.12 Requests for parental leave to start immediately on the birth or adoption of a child will not be postponed. Requests will also not be postponed if it would result in the leave being taken after the child's 18th birthday.

## **5.0 Childcare Subsidy Scheme**

- 5.1 The intention of the childcare subsidy scheme is to support those employees of the Councils who might otherwise not be able to continue/return to work because of childcare responsibilities.
- 5.2 This scheme is in addition to childcare voucher schemes (pre April 18) that are available for all employees and detailed on the intranet and in the place of work.
- 5.3 The Childcare Subsidy Scheme is a discretionary benefit for all employees who fall into the below category of:
- being an employee of the Councils
  - having pre-school age children who do not yet qualify for child care state funding
  - being paid a salary not exceeding grade 5



- 5.4 The scheme is funded by the team budget in which the individual works, therefore the manager will need to review each application and the budget available at the point of application.
- 5.5 Where more than one application is requested in the same period, the following factors may be taken into consideration in determining who (if any) of the applicants will receive this benefit:
- whether the employee has sole or main responsibility for their children
  - the employee's salary
  - whether the employee comes within the categories of people who are underrepresented within the Council's' workforce
  - budgetary restraints

**Amount that can be claimed for childcare**

- 5.6 The maximum payable is around £45 per week, or if there are two children, around £80. Full details can be obtained via the payroll team.
- 5.7 The following calculation is used to determine the amount to be paid on a monthly basis:

$$\frac{\text{Total hours worked/hours child is in childcare on working day}^*}{37} \times \text{subsidy entitlement}$$

\*whichever is the lesser

- 5.8 Individuals should inform their manager as soon as possible if their circumstances change and their right to claim under this scheme may be impacted. Failure to do so may lead to the immediate removal of this benefit, repayment of the subsidy and disciplinary action.
- 5.9 The allowance will continue to be payable for periods of absence due to annual leave, bank holidays and sickness. The payment will be linked to the period of paid sickness entitlement, with the manager reserving the right to review each case on its individual merits if appropriate.
- 5.10 Any payment is subject to tax and national insurance deductions.

**The application process**

- 5.11 The application process (including the relevant forms) is available on the intranet or in the workplace.
- 5.12 The Councils reserve the right to review the provisions of the scheme, amend the criteria for eligibility and method of payment if necessary. Claimants will be given reasonable notice (at least three months) of any changes to the scheme which would result in a financial detriment.

- 5.13 This scheme is discretionary. As such, if an individual's request is not approved, there is no appeals procedure or resource to the grievance policy.

## **6.0 Pension regulations**

- 6.1 Those receiving paternity leave pay (occupational or statutory) who contribute to the local government pension scheme must continue to pay pension contributions. This will be based on the actual remuneration (including statutory pay) received.
- 6.2 Anyone taking additional unpaid leave has a choice of whether or not to pay pension contributions for the period of unpaid leave. The Payroll Section will write to individuals concerned at the appropriate time asking for notification of whether the individual is intending to pay pension contributions or not.
- 6.3 If the individual wants to pay additional contributions, this will be based on the actual remuneration received immediately before the unpaid period. If an individual chooses not to pay pensions contributions, this period will not count as service for pension purposes.

## **7.0 Annual leave**

- 7.1 Holiday entitlement will continue to accrue during paternity leave in accordance with the employee's contract of employment.
- 7.2 If an employee takes paternity leave and returns to work in a new annual leave year, the employee has the option to:
- a. use their leave to 'return to work' at an earlier point (but be on annual leave)
  - b. use the leave in the first weeks of their return to 'phase' back into work or
  - c. attach it to the end of their leave.
- 7.3 Employees who are planning a period of family leave that is likely to last beyond the end of the holiday year should discuss their holiday plans with their manager in good time before starting the family leave. Any holiday entitlement for the year that cannot reasonably be taken before starting the family leave can be carried over to the next holiday year.
- 7.4 Any holiday carried over should be taken within three months of returning to work after the family leave.

## **8.0 Flexible working**

- 8.1 Requests to change the working pattern (such as working part-time) after the parental leave will be dealt with in accordance with the Councils' Flexible Working

Policy. It is helpful if flexible working requests are made as early as possible.

## **9.0 Monitoring and Review**

- 9.1 This policy will be monitored and reviewed on a regular basis by the People & Change team. It does not form part of any contract of employment.

Date policy agreed with Unison: (tbc)

Date agreed by Joint Staff Committee: (tbc)

Date policy formally adopted: (tbc)

Date for review: 3 years from formal adoption of policy (tbc)

### Summary of proposed changes / implementations / improvements

Policy for review: Family Friendly Policy (Paternity Leave, Parental Leave and Childcare Subsidy)

Current Policy position / wording	Proposed changes / implementations / improvements	Rationale
3.2 The leave must be taken during the first 56 days (eight weeks) of the birth or adoption of a child, or within 56 days of the first day of the Expected Week of Childbirth (if the child was born early).	Under the new rules, employees will be able to take statutory paternity leave at any point in the first year following the birth or placement for adoption.	All proposed amendments are in response to legislative changes (Paternity Leave (Amendment) Regulations 2024) which will come into effect on 8 March 2024.
3.3 The leave must be taken in a single block of one or two weeks (not as individual days or two one week blocks).	<p>Employees will be able to split their paternity leave into two separate blocks of one week (rather than having to take two consecutive weeks).</p> <p>This means that a new parent will be able to take statutory paternity leave in a variety of new ways, for example:</p> <ul style="list-style-type: none"> <li>● one week when the baby is born and a second week after nine months when their partner returns to work; or</li> <li>● no leave when the baby is born, but two weeks after 10 months.</li> </ul>	The legislative changes will apply to babies expected to be born after 6 April 2024 and to children expected to be placed for adoption on or after 6 April 2024.
3.6 To take paternity leave, employees must provide written notice by the end of the 15th	Employees will need to inform their employer of their <u>entitlement</u> to paternity leave 15	

<p>week before the Expected Week of Childbirth or no more than seven days after the employee and/or Partner were notified of having been matched with the child, or as soon as is reasonable stating:</p> <ul style="list-style-type: none"> <li>• the Expected Week of Childbirth or the Expected Placement Date</li> <li>• the date the employee wants the leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth) and</li> <li>• whether the employee intends to take one week or two weeks' leave.</li> </ul>	<p>weeks before the expected week of childbirth, however, they will only need to give 28 days' notice of the <u>dates</u> they wish to take (in adoption cases, the notice period for leave will remain at seven days after the adopter is matched with a child).</p>	
<p>Under the current rules, employers can ask the employee to sign a declaration that they are an eligible parent and that they want the leave for legitimate purposes (i.e. to care for the child or support their partner).</p>	<p>The new rules say that employees <b>must</b> declare their eligibility and the legitimate purpose of their leave.</p>	
	<p>Human Resources team updated to People &amp; Change team.</p>	
	<p><b>Next steps: FAQs and paternity leave request form to be updated</b></p>	

	<b>Internal software to be updated reflect the new rules.</b>	
	<b>Confirm timescales for publicising the above changes</b>	
	<b>Confirm timescales for the provision of training for managers in the revised arrangements for paternity leave.</b>	



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## Leave Policy

### 1.0 Overview

- 1.1 The Councils are committed to all its staff being able to enjoy a quality of life. This leave policy is intended to help staff achieve a healthy work-life balance and to provide a standard and equitable approach to the management and calculation of annual leave and public holiday entitlements for staff.
- 1.2 Areas covered in this policy include annual leave; carrying forward and buying leave; career breaks; special paid leave; time off for religious observance and other paid and unpaid leave.
- 1.3 This policy covers all staff working for the Councils (employees and workers).
- 1.4 This policy does not form part of any individual's contract of employment and it may be amended.

### 2.0 Areas of responsibility

- 2.1 All staff have the responsibility for complying with this policy. Individual areas of responsibility are:
  - **Corporate Leadership Team** – publicising the policy
  - **People & Change Team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice
  - **Managers** - responsible for managing leave to ensure individuals are taking their leave at regular intervals across the year and taking account of employee needs whilst bearing in mind the business needs, when considering annual leave applications and allowing employees to take approved annual leave undisturbed unless it is essential for operational reasons and possible for the individual to cancel or postpone it
  - **Staff** – making annual leave requests in good time, not making any plans for leave until their leave request has been approved and being proactive in taking their leave entitlement in line with Working Time Regulations.

### 3.0 Annual Leave

3.1 The annual leave period for the Councils spans from 1 April to 31 March each year. Staff are entitled to an amount of annual leave, determined by spinal column point and service length as shown on the table below. The amount of leave includes two statutory days which may be taken at any time throughout the year.

3.2 The amounts below will be applied pro rata to part-time workers.

<b>Salary Equivalent To</b>	<b>Hour Entitlement Including Statutory Days</b>	<b>Hours Entitlement Including Statutory Days + 5 Years' Service</b>
Up to SP11	192.24 hours/minutes (192.4 hours)	222.0 hours/minutes
SP12 - SP21	199.48 hours/minutes (199.8 hours)	236.48 hours/minutes (236.8 hours)
SP22 - SP32	214.36 hours/minutes (214.6 hours)	236.48 hours/minutes (236.8 hours)
SP33 and over	236.48 hours/minutes (236.8 hours)	259.0 hours/minutes

#### **Annual Leave Entitlements for Leap years**

<b>Salary Equivalent To</b>	<b>Hour Entitlement Including Statutory Days</b>	<b>Hours Entitlement Including Statutory Days + 5 Years' Service</b>
Up to SP11	192.56 hours/minutes (192.34 hours)	222.36 hours/minutes (222.6 hours)
SP12 - SP21	200.19 hours/minutes (200.3 hours)	237.27 hours/minutes (237.45 hours)
SP22 - SP32	215.12 hours/minutes (215.07 hours)	237.27 hours/minutes (237.45 hours)
SP33 and over	237.27 hours/minutes (237.45 hours)	259.42 hours/minutes (259.7 hours)

3.3 Statutory bank holidays are in addition to the above leave entitlements and are applied pro rata to part-time staff. For details of how bank holiday entitlement is calculated for part-time staff, please see the 'bank holiday and part-time workers' fact sheet available on the intranet.

3.4 Any periods of leave an individual wishes to take must be agreed in advance between members of staff and line manager as soon as possible. Staff are encouraged to put in leave



requests as early as possible to ensure their request can be accommodated and any holiday plans should not be made until the line manager has authorised the leave. Managers authorising leave should do so within 5 working days of receipt of the request and have discretion to approve or reject leave requests in line with service requirements.

- 3.5 For the avoidance of doubt, the first four weeks of the leave you take in any holiday year shall be deemed to be the leave derived from regulation 13 of the Working Time Regulations 1998 (*SI 1998/1833*) and the remainder shall be deemed to be derived from regulation 13A of those Regulations.
- 3.5 It is the line manager's responsibility for looking out for the welfare of their members of staff. This includes ensuring they are taking regular periods of leave across the year.
- 3.6 Usually where a number of employees all seek holiday leave on the same date(s), the manager will grant holiday leave on the basis of "first come, first served". However, a manager will be required to discuss periods of leave that are particularly sought after (i.e. Christmas) with the team to come to a mutually agreed arrangement. Where agreement cannot be reached by consensus, the manager's decision will be final.
- 3.7 Requests for annual leave should be made electronically via the online system.

#### **Sickness during periods of holiday**

- 3.8 If a member of staff is sick or injured during a holiday period and would have been incapable of work, he/she may choose to treat the period of incapacity as sick leave and reclaim the affected days of holiday.
- 3.9 Staff already on sick leave before a prearranged period of holiday may choose to cancel any days of holiday that coincide with the period of incapacity and treat them as sick leave.
- 3.10 Sick pay will only be paid for such days if the individual complies with the Council's Sickness Management Policy, including notifying the manager immediately of the incapacity and obtaining medical evidence, even if the individual is abroad.
- 3.11 Dishonest claims or other abuse of this policy will be treated as misconduct under the Council's Disciplinary Procedure.

#### **New and departing members of staff**

- 3.12 New members of staff who start working for the Councils mid-way through the year will have their leave entitlement calculated on a pro-rata basis for each completed calendar day of service in the current leave year.
- 3.13 Members of staff must take their leave before leaving the Councils - it is not common practice for annual leave to be paid upon departure. The only exception to this is where it is not possible for an individual to take their leave due to service needs; in this case departing members of staff will be paid for any contractual leave allocation untaken.
- 3.14 Staff who voluntarily move from another organisation covered by the Modification Order to the Councils, i.e. another local authority or service as a civilian in a police authority are entitled to keep their continuous service for the purposes of annual leave entitlement in accordance with the table detailed in 3.2.

## 4.0 Carrying leave forward

- 4.1 As a minimum, staff must ensure that they take all their statutory leave within the annual leave year in which it falls. This equates to 207.2 hours/28 days (pro rata for part -time employees) including bank holidays.
- 4.2 It is the expectation, however, that all employees will take their full contractual leave entitlement (as outlined in the table detailed in 3.2) in each year. The only exceptions to this would be if the manager has not been able to allow an employee to take their leave due to business reasons or as set out in paragraphs 3.12-3.30 above.
- 4.3 Staff must have at least 26 weeks service before requesting to carry forward leave. Staff who are on a temporary contract of less than one year are not entitled to carry forward leave.
- 4.4 Anyone who requests to carry forward leave, usually no more than the equivalent of one working week (pro rata for part time staff), should agree in advance with their manager when this leave will be taken, which will usually be in the 8 first weeks of the new financial year.
- 4.5 To request to carry forward leave, an individual must speak to their line manager and submit their request online by the 1st March (or via their manager if they do not have online access). The request will be approved or turned down within a reasonable timeframe (usually no more than 14 calendar days) to allow for the employee to make alternative arrangements.
- 4.6 Approval of any request will depend on whether operational needs can be met during the period requested.
- 4.7 Carrying forward leave is a discretionary benefit.

### **Long-term sickness absence and holiday entitlement**

- 4.8 Holiday entitlement continues to accrue during periods of sick leave.
- 4.9 If the member of staff is on a period of sick leave which spans two holiday years, or if he/she returns to work after sick leave so close to the end of the holiday year that they cannot reasonably take their remaining holiday, they may carry over unused holiday to the following leave year.
- 4.10 Any holiday that is carried over under this rule but is not taken within 18 months of the end of the holiday year in which it accrued will be lost.
- 4.11 Alternatively you can choose to take your paid holiday during your sick leave, in which case you will be paid at your normal rate.

### **Family leave and holiday entitlement**

4.12 Holiday entitlement continues to accrue during periods of maternity, paternity, adoption, parental or shared parental leave (referred to collectively in this policy as family leave).

4.13 Staff who are planning a period of family leave that is likely to last beyond the end of the holiday year should discuss their holiday plans with their manager in good time before starting the family leave. Any holiday entitlement for the year that cannot reasonably be taken before starting the family leave can be carried over to the next holiday year.

4.14 For the avoidance of doubt this covers the full holiday entitlement.

4.15 Any holiday carried over should be taken within three months of returning to work after the family leave.

## **5.0 Buying Leave**

- 5.1 The Councils appreciate that some people may desire to buy leave in order to fulfil childcare arrangements or to have a greater work-life balance whilst not impacting their pension contributions. The Councils, therefore, allow staff the option of buying up to 5 days additional annual leave (or the equivalent hours of one contractual week for part-time and non-standard hour workers) in each leave year.
- 5.2 This is subject to approval from the Head of Service. The request will not be unreasonably refused but will only be granted if operational needs can be met and there are sufficient funds within the section salary budget to accommodate the request (e.g. to make cover arrangements). Applications will be handled on a first come, first served, basis.
- 5.3 Buying leave is effectively unpaid leave, which will be deducted from the individual's net salary (after deductions have been made for pension and national insurance contributions as

well as tax) based on the individual's basic substantive hourly rate at the time the salary deduction is processed.

- 5.4 Additional leave bought in one year cannot be carried forward to another leave year.
- 5.5 The salary deduction will be made in the next available salary payment after the request is received by People & Change or may be spread over a number of months. Further details of this can be provided by the Payroll team.
- 5.6 Employees wishing to buy leave are advised to check with the relevant authorities on whether entitlement to tax credits or state benefits such as statutory sick pay and statutory maternity pay etc. could be affected.
- 5.7 Buying leave is discretionary.

## 6.0 Career breaks

- 6.1 A career break is an unpaid extended period of time away from work. Employees must have at least 26 weeks service before requesting a career break.
- 6.2 A career break is usually a period of a minimum of six months, but no more than twelve months of leave. On an individual's return to the organisation, they are entitled to terms and conditions no less favourable than if they had not been absent. Where it is not possible to return to the same post, the Councils are committed (as far as is reasonably practicable) to finding an alternative post.
- 6.3 Where a restructure is taking place in the team/service area in which the individual works during the period of time that an individual is taking a career break, they will be involved in the consultation process as explained in the Managing People Change Policy.
- 6.4 Employees will need to apply for a career break using the procedure outlined in the toolkit.
- 6.5 The period they are absent will count as continuous service e.g. when calculating length of service for other purposes e.g. maternity leave.
- 6.6 Any accrued but untaken annual leave must be taken before a career break commences. If an individual has taken more leave than they are entitled to, the appropriate deduction will be made from salary before the career break commences.
- 6.7 If the employee pays into the pension scheme, it is the responsibility of the individual to look into any impact the career break will have on their pension and make any necessary arrangements.
- 6.8 The Councils will not pay any pension contributions during an individual's career break. On return (within 30 days) if the individual wishes to 'buy back' pension lost during the period of

unpaid leave, they would pay one third of the cost and the Councils would pay two thirds of the cost. If the individual makes a request after the 30 day period, they will be solely liable for the full cost of buying back their pension contributions.

6.9 Agreeing to an individual's career break is discretionary.

## 7.0 Special paid leave

7.1 The primary purpose of special paid leave is to help employees to come to terms with the death of a loved one, a serious illness or injury involving a loved one, or take one day off at short notice to deal with emergency situations involving a dependant (i.e. a spouse, partner, child, parent, or someone who depends on the employee for care). The day off is to put in place arrangements needed to cover the care going forward.

7.2 An emergency may be:

- an illness that has unexpectedly worsened
- an injury, assault or incident
- if a dependant goes into labour unexpectedly
- disruption of care arrangements (i.e. unforeseen school closure with no prior notification)

7.3 Special paid leave is not suitable for situations where advance notice is given (i.e. to take a dependant to hospital for an appointment or planned school inset days). This should be covered through other forms of leave as detailed in this or the flexible working policy.

7.4 Managers have the discretion to grant special paid leave depending on the circumstances of individual cases.

7.5 Individuals will not usually be granted more than **ten** days special paid leave and usually given no more than one day to deal with any emergency involving a dependant. The below are the typical factors that will be taken into consideration in determining the amount of special paid leave approved on a case-by-case basis:

- The relationship of the employee to the deceased/critically ill
- Whether the employee is attending to the affairs of the deceased
- Whether travel is needed to attend a funeral

7.6 All other cases of special paid leave (e.g. the serious illness of an immediate family member) are to be decided on a case-by-case basis.

7.7 Anything more than five days must be agreed by the appropriate Head of Service.

7.8 Anything more than four weeks must be agreed by the appropriate Director and a referral must be put into Occupational Health. The maximum amount of time that can be awarded is three months.

- 7.9 There may be other supportive measures taken, such as unpaid leave, flexible working and opportunities to work from home (where possible in line with occupational requirements) or a temporary reduction in hours.
- 7.10 The Councils note that employees have the right to a reasonable amount of time off to deal with an emergency involving a dependant and that this will be unpaid if the time off required is over and above what can be taken as special paid leave.
- 7.11 The individual must tell their manager if they need time off to care for a dependant or when they hear of the death, serious illness or injury involving a loved one. This is ideally before the individual leaves work or as soon as possible.
- 7.12 The Councils want to ensure individuals are supported adequately. As such, if an individual has taken special paid leave, this should be discussed as part of the regular 1:1s between the manager and individual.
- 7.13 The Councils recognise that many of its staff have caring responsibilities which may require support and flexibility. Individuals are encouraged to access the employee assistance programme detailed on the intranet or in the place of work and may wish to look at the flexible working policy for details about how they can request flexibility in their role to support their caring responsibilities.
- 7.14 Special paid leave is discretionary.

## **8.0 Time off for religious observance**

- 8.1 The Councils wish to support requests, in line with service needs, for individuals to take time off during religious festivals, which are not covered by statutory public holidays.
- 8.2 Line Managers should use discretion in granting annual leave, unpaid leave or supporting individuals to use accrued hours when considering requests for such leave.
- 8.3 It is recommended that staff make their request for time off as soon as the dates are known in order to facilitate the effective planning of leave arrangements. Line Managers should keep in mind that some religious festivals are determined by the lunar calendar, and therefore dates change from year to year.
- 8.4 Managers will be expected to consider such requests in accordance with service needs, and accommodate requests where reasonable to do so.
- 8.5 Managers have the discretion to allow individuals to work from home on UK Christmas and Easter bank holidays (paid at standard rate) and for them to reschedule these days off to celebrate their religious festivals. This will only be allowed where it is possible for the individual to work from home, there are no responsibilities for dependants on these days, and where this altered working arrangement can be accommodated in line with the needs of the service.

8.6 If individuals require a prayer room for religious use during the day, they should speak to their manager who will show them the facilities available for their use.

## 9.0 Carer's Leave

9.1 The Councils are committed to developing a workplace culture that supports employees with caring responsibilities in order to help them balance their working and caring commitments.

9.2 From 6 April 2024, employees are entitled to take **unpaid leave** to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

9.3 The dependant does not have to be a family member. It can be anyone who relies on the employee for their care.

9.4 Carer's leave cannot be taken to cover general childcare responsibilities, unless the child has a long-term care need.

9.5 Employees are entitled to take carer's leave from their first day of working for the Councils.

9.6 Employees can take up to one week's carer's leave within any 12-month period. This cannot be increased where an employee has caring responsibilities for more than one dependant.

9.7 One week's carer's leave is the same duration as an employee's normal working week, meaning that a full-time employee who normally works five days per week is entitled to five days' carer's leave in any 12-month rolling period. If an employee normally works four days per week, they are entitled to four days of carer's leave in any 12-month rolling period, and so on.

9.8 Where an employee's working week varies, the amount of carer's leave which can be taken will be calculated by taking an average of their normal working periods over the previous 52 weeks (or over the number of weeks that they have been employed, if this is less than 52).

9.9 Carer's leave can be taken flexibly, including as individual or half days.

9.10 The minimum amount of carer's leave which can be taken is half a working day (a working day is defined as the employee's usual working pattern).

9.11 There is no need for the leave to be used on consecutive days. Employees could therefore take five separate days over a 12-month rolling period.

9.12 Employees should give notice that is either:

- at least twice the length of leave being requested; or
- three days' notice,

whichever is the longer period.

9.13 The notice must specify that the employee is entitled to take carer's leave and detail the period(s) of leave that the employee is requesting to take.

9.14 Employees do not need to provide evidence of their dependant's care needs.

9.15 Managers cannot refuse a carer's leave request but can ask the employee to take it at a different time if the employee's absence would cause serious disruption to services.

9.16 Where carer's leave is delayed, managers must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave



## 10.0 Other paid and unpaid leave

10.1 There are occasions where employees of the Councils are entitled to paid leave. The below table outlines the occasions and time off that may be granted in each circumstance:

Scenario	Paid leave granted per year
Election duties	Paid leave as necessary
School governors	Such leave as thought reasonable in the particular circumstance by the Head of Service
Jury Service	An employee receiving a summons to serve on a jury must report the fact to his/her Head of Service, who shall grant leave of absence unless exemption is secured. An employee serving as a juror shall claim the allowance for loss of earnings to which he/she is entitled under the Jurors Allowances Regulations. The Council shall then deduct from the employee's full pay an amount equal to the allowance received.
Membership of the staff side of any established national or other joint negotiating body operating within local government	Such leave as may be necessary for meetings of any such body i.e. national joint council (NJC)
Service as a magistrate	Up to a maximum of 18 paid days in any one year from the date the service starts
Membership of another local authority	Up to a maximum of 18 paid days in any one year from the date the membership starts
Service in non-regular forces or special constabulary	Up to a maximum of 18 paid days in any one year from the date the service starts
Volunteering	Refer to the volunteering policy

10.2 Individuals may not be able to hold multiple of the above roles where the total leave would be unsustainable for the organisation (i.e. serving as a magistrate and a school governor) and should talk with their manager if they wish to take on any of these roles.

10.3 Unpaid leave (not covered by any other section of the leave policy) will be granted only exceptionally. This means that the relevant Head of Service thinks it is reasonable for an employee to be absent, but where paid leave would not be justified and annual or accrued leave cannot be taken.

**Parental Bereavement covered by 7.5 of the policy**

We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

- Employees who suffer the loss of a child under the age of 18 on or after 6 April 2020 including parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to five days paid leave. From the 6 April 2020 the Council's have approved 10 days for anyone losing a loved one including parents who suffer the loss of a child or suffer a stillbirth at any time during their pregnancy.
- You can take the leave as:
  - a single block of two weeks; or
  - two separate blocks of one week at different times.
  - you cannot take the leave as individual days
- You can take the leave at the time(s) you choose, in consultation with your line manager, within the 56 weeks after your bereavement. You might choose, for example, to take it at a particularly difficult time such as your child's birthday.
- If you have lost more than one child, you have a separate entitlement to parental bereavement leave for each child who has passed away.
- If you need to take parental bereavement leave within the first 56 days after your bereavement, you can take the leave straight away. You do not have to provide any notice. Please let your line manager know no later than when you are due to start work on the first day on which you wish to take leave or, if that is not feasible, as soon as you can.
- To take leave more than 56 days after your bereavement, please give your line manager at least one week's notice.
- You cannot cancel any week of parental bereavement leave that has already begun.
- When you return to work after some time off on parental bereavement leave, you generally have the right to return to the same job.
- However, a slightly different rule applies if you return from time off on bereavement leave that follows on immediately from some maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and your total time on leave is more than 26 weeks.

In these circumstances, you have the right to return to the same job, unless this is not reasonably practical - in which case you have the right to return to a suitable and appropriate job on the same terms and conditions. This rule also applies if your leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave. (see Leave policy for details regarding unpaid parental leave)

Date agreed by Unison: 5 February 2019  
Date agreed by Joint Staff Committee: 18 March 2019  
Date policy formally adopted: 1 April 2019  
Date for review: 3 years from formal adoption of the original new policy (1 April 2022)  
Date reviewed May 2022  
Date of next review: 1 April 2025

### Leave Policy - Summary of proposed changes / implementations / improvements

Policy for review: Leave Policy

Current Policy position / wording	Proposed changes / implementations / improvements	Rationale
A new section has been added to the Council's Leave Policy.	From 6 April 2024 employees will be able to take one week's UNPAID carer's leave within any 12-month period.	All proposed amendments are in response to legislative changes provided for by the Carer's Leave Act 2023 (with the detail included in the Carer's Leave Regulations 2024). The Regulations are in force from 6 April 2024.
	There is no minimum period of service required for an employee to be eligible to take carer's leave.	
	<p>Carer's leave must be taken for the purpose of providing or arranging care for a dependant with a long-term care need.</p> <p>A "long-term care need" is defined as an illness or injury (either physical or mental) that requires or is likely to require care for more than three months, a disability under the Equality Act 2010, or issues related to old age.</p>	
	The Carer's Leave Regulations 2024 explicitly prohibit an employer from requiring an employee to provide evidence to support	

	<p>their request for carer's leave.</p> <p>Employers can choose to require an employee taking carer's leave to complete a self-certification form declaring that they are a carer taking time off to provide or arrange care for a dependant with a long-term care need.</p>	
	<p>An employer cannot refuse an eligible employee's request to take carer's leave (except where the employee has exhausted their entitlement for the relevant period (ie one week's carer's leave within any 12-month period).</p> <p>However, the employer can postpone an employee's carer's leave if it reasonably considers that its operations would be unduly disrupted. The employee must be allowed to take the requested carer's leave within one month of their original request.</p> <p>To postpone the leave period, the employer must provide a written counter notice within seven days of the request, explaining the reason for the postponement and the revised dates on which the employee can take the leave.</p>	
	<p>Those employees who take carer's leave will have the same employment protections as are provided by other forms of family related leave, such as maternity, paternity, adoption,</p>	

	<p>parental bereavement, shared parental and parental leave. This includes protection from dismissal or detriment as a result of having taken the leave.</p>	
	<p><b>Next steps:</b></p> <p>Create a “self-certification” form for employees to complete, declaring that they meet the legal definition of a carer and will be using the leave in that capacity.</p> <p>Introduce a system of record-keeping to track the number of days taken (Connect).</p> <p>Inform managers of the new right, including communicating that any dismissal connected to using the leave will be automatically unfair.</p> <p>Consider the potential sensitivities around this topic. Some employees may not wish their manager/colleagues to be aware they are taking time off for caring responsibilities.</p>	