



ADUR & WORTHING
COUNCILS

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
- **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** - 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.

Salary equivalent to	Hours Entitlement including statutory days	Hour entitlement including statutory days after five years' service
Up to SCP11	185 hours	214.6 hours
SCP 12-22	192.4 hours	229.4 hours
SCP 23-33	207.2 hours	229.4 hours
SCP 34 and above	229.4 hours	251.6 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 member 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 pre-arranged 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 is 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 Human Resources 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 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 Other paid and unpaid leave

9.1 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 of 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

9.2 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.

9.3 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 policy agreed with Unison: 4 November 2020

Date agreed by Joint Staff Committee: tbc

Date policy formally adopted: tbc

Date for review: 3 years from formal adoption of the original new policy (1 April 2022)