



EMERSONS GREEN TOWN COUNCIL

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# Staff Leave Policy

Date Ratified by Full Council: 9 December 2021

Next review date: December 2024 (*3 yearly review*)

**This policy supersedes the following policy:**

Time Off In Lieu (TOIL). Overtime & Call Out Policy August 2019

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## **1. ANNUAL LEAVE**

### **1.1 Annual leave entitlement**

Your paid leave entitlement is set out in your contract of employment. The basic leave entitlement for a full-time member of staff is 24 days per annum in addition to 8 Bank holidays and one additional statutory day to be taken over the Christmas period. Part time employees receive a pro-rated entitlement according to their hours of work.

Staff receive an additional 5 days entitlement (pro rata) after accruing 5 years of service, including previous service with other relevant public sector organisations. Employees joining Emersons Green Town Council who are moving from, or have previously worked for, another local authority or other government will be entitled to retain their previous service for the purpose of continuity of annual leave entitlements.

This will apply where the previous organisation is included within The Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999, generally referred to as the Modification Order.

### **1.2 Working part-time**

If your entitlement to Bank Holidays exceeds the number days that fall on your normal working days (typically because you don't work on Mondays) you will be able to take the excess as leave. If your entitlement to Bank Holidays is less than the number of Bank Holidays that fall on your normal working days, (typically because your normal working days include Mondays) then you can make up the difference by using your leave entitlement. With agreement from the Clerk (or the Council in the case of the Clerk), you may be able to work additional hours to make up the deficit or take unpaid leave.

Annual leave for part time staff should be calculated in hours encompassing annual leave and Bank Holiday leave entitlement. All leave, including Bank Holidays, should be recorded and deducted from the total in hours. A template for calculating and recording annual leave is available at Appendix 1. The Town Clerk will assist with calculating annual leave entitlement for part-time staff.

### **1.3 Leave year**

The leave year runs from 1st April to 31st March. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year. Your annual leave entitlement will be pro-rated in your first and last year of employment with the council.

### **1.4 Carrying over leave**

It is possible to carry forward a maximum of 5 days (pro rata for part time staff) unused leave to the following leave year. Any leave not approved to be carried forward, and not taken in the year, will be lost. Payment will not be made for leave unused at the end of a leave year unless the member of staff is leaving the Council's employment.

If a member of staff finds that they are routinely unable to take leave due to work pressures, this should be raised with their line manager at the earliest opportunity, in order that the line manager can offer support in managing workload.

### **1.5 Requesting and recording leave**

You should request leave from the Clerk with as much notice as possible. Before granting leave, the Clerk will consider:

- The team's workload
- The need for office or team cover
- Whether other staff have or are likely to ask for the same time off (e.g., a popular holiday time)

The Clerk will balance your needs against the needs of other staff before agreeing to leave. If you take leave without such permission, it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

The Clerk should book and take leave in line with the considerations set out above. The Clerk should supply a copy of their leave record to the Chairman of the Personnel Committee on a quarterly basis. The Chairman of the Personnel Committee may then raise any issues of concern with the Personnel Committee.

Annual leave should be recorded on the template available at Appendix 1 (Excel version available on the office shared files). It is the responsibility of individual staff members to maintain their own leave record, and this should be and presented to the Line Manager on request.

## **1.6   Sickness during leave**

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Clerk (or the Council in the case of the Clerk), on the first day of sickness and keep the council up to date during the period of sickness.

## **1.7   Payment of annual leave in lieu**

If you leave during the course of a leave year and cannot take any outstanding accrued leave before your last day, you will receive a payment in lieu of any outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay including any regular overtime.

If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your salary payments for an amount at your basic daily rate for the days in question.

Such a deduction will be deemed to be a contractually authorised deduction.

The council does not offer payment in lieu of leave entitlement under other circumstances.

This is a non-contractual procedure which will be reviewed from time to time.

## **2.   STUDY LEAVE**

Where the council agrees to fund a training towards a recognised qualification that is an essential requirement of the job, study leave will be granted, in addition to time off granted to attend teacher/instructor led training sessions. This is to allow members of staff to complete coursework or prepare for examinations. As a guide, it is suggested that this is around the equivalent of 1/3 of the guided learning hours set for the qualification. This study leave must be taken in agreement with the line manager and in line with the considerations set out in section 1.5 above.

### **3. TIME OFF IN LIEU (TOIL) AND OVERTIME**

#### **3.3 Entitlement to TOIL**

There are occasions where members of staff work hours outside of their normal working hours, in order to satisfy business need (for example evening meetings). Where this occurs, the member of staff may take Time Off In Lieu (TOIL) to the equivalent time spent working out of hours from within their normal working hours.

Overtime payment for hours worked outside of normal hours, but within the work week of Monday to Friday, for routine requirements of the job description will not be made. Recompense under these circumstances should be via the taking of TOIL. Exceptions under extraordinary circumstances must be agreed in advance by the Full Council.

#### **3.4 Overtime for Bank Holidays and Weekends**

If a member of staff is specifically required by the Town Council to undertake work over and above their normal duties, overtime at time and a half will be paid on Bank Holidays and on Saturday and Sunday. Staff may alternatively, at their request, take TOIL to the value of 1.5 times the hours worked.

Staff should not be expected to work more than two evening meetings in any week and meetings should not continue beyond 9.00pm.

#### **3.5 Booking and recording of TOIL**

The scheduling of TOIL must be agreed with the line manager and in line with the considerations set out in section 1.5 above.

It is the responsibility of individual staff members to maintain their own TOIL record and to present this to the Line Manager on request.

TOIL should not routinely be carried forwards more than two months. Additionally, if accrued TOIL reaches more than 50% of the normal contracted weekly working hours for the member of staff, they must notify their line manager at the earliest opportunity. If a member of staff finds that they are routinely unable to take TOIL due to work pressures, the line manager can offer support in managing workload.

### **4. FLEXIBLE WORKING**

#### **4.1 Informal Flexible Working Provisions**

As a small organisation, it is beneficial to the organisation that members of staff work flexibly to cover each other at times of absence or increased demand, and to ensure business continuity. In return, consideration will be given to informal, short term, flexible working requests where this is requested by a member of staff. This may be requested ad hoc including, for example, for work-life-balance reasons such as for childcare, or to facilitate attendance at appointments.

Where possible, subject to business requirements, such ad hoc flexible working arrangements will be accommodated. Requests should be made to the Line Manager.

As the Proper Officer and most senior employee of the Town Council (with no individual line manager), the Town Clerk is expected to use their judgement to ensure that their working patterns are governed in accordance with the principles of this section and will be answerable to the Personnel Committee otherwise. The Town Clerk should be mindful at all times of the example they set to other members of staff in this regard, and to ensure equality and parity in provisions.

Members of staff are reminded of the reciprocal nature of covering colleagues, and the flexibility provisions of individual job descriptions.

Agreements made under Informal Flexible Working provisions, do not represent a contractual change or the setting of precedent.

## **4.2 Formal Flexible Working requests**

Permanent flexible working requests, such as changing the number of working hours, or when or where these hours are worked, must be requested in line with the Flexible Working Policy.

## **5. SPECIAL LEAVE**

### **5.3 Special leave introduction**

Where an employee reveals that their absence has been, or that a planned absence will be, as a consequence of personal, domestic, or work-related problems, the relevant manager should endeavour to discuss with them any relevant details that they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded that such matters will be treated confidentially and that the Council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than the relevant manager, the Clerk or Personnel Committee Chairman can be contacted for a confidential interview. Once the problem has been clearly identified, appropriate assistance can be offered to the employee. In some circumstances, special leave or temporary adjustments in working arrangements may be granted.

### **5.4 Time Off For Dependants**

Under the Employment Rights Act 1996, all employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work without notice in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

- A spouse;
- A civil partner;
- A child;
- A parent;
- A person who lives with the employee other than as his or her employee, tenant, lodger, or boarder;
- Any other person who would reasonably rely on the employee for assistance if he or she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.

Under this provision, an employee is entitled to take time off work:

- Where a dependant falls ill, gives birth, or is injured or assaulted;
- To provide assistance following the death of a dependant;
- Where there has been an unexpected disruption to, or termination of, the arrangements for the care of a dependant; and
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.

Although there is no requirement to give notice the employee must, as soon as possible, tell the Acting Town Clerk or Deputy Clerk the reason for their absence and how long they expect to be away from work. The line manager must be informed of the absence before 9.30am on the first day of absence.

## **5.5 Special Leave**

Additionally, to the provisions set out in section 5.4, Emersons Green Town Council will grant employees to take special leave under the following circumstances:

- Attendance at the funeral of an Aunt, Uncle, Grandparent, Grandchild, sibling, partner's parent, partner's sibling.
- End of life visitation for a dependant as set out in 16.4, or for a partner's Grandparent, Grandchild, partner's parent or partner's sibling.
- Hospital or medical appointments
- Other circumstances at the discretion of the line manager

## **5.6 Payment of Special Leave**

Special Leave will be paid in certain circumstances, as set out at Appendix 2. Other leave Special Leave will be unpaid.

The line manager has discretion to modify the provisions of Special Leave in terms of time allowed, and the Personnel Committee has discretion and Full Council delegation to modify and extend Special Leave payment.

## **6. PARENTAL LEAVE**

The Parental Leave regulations came into force as part of the Employment Relations Act 1999. They apply to all parents and those people with parental responsibilities and allow for them to take up to 18 weeks' unpaid leave. This leave must be taken between the child's birth and their eighteenth birthday. If the child has disabilities and is in receipt of a Disability Living Allowance or Personal Independence Payment, it must be taken before the child's eighteenth birthday. This scheme also applies to adoptive parents, who may take parental leave up to the fifth anniversary of the date of placement or the child's eighteenth birthday, whichever is sooner.

Emersons Green Town Council will honour Parental Leave in line with the requirements of current regulations. If you require further information on Parental Leave, please contact the Town Clerk.

- END OF POLICY -

**Please also see the following leave related policies:**

EGTC Adoption Leave and Pay Policy February 2020

*Absence Management Policy*

(Formal) Flexible Working Policy February 2020

EGTC Maternity Policy February 2020

LEAVE CALCULATION AND RECORD

Leave period: 1 April 20XX to 31 March 20XX  
 Staff member: A. Clerk  
 FTE annual leave entitlement: 25 (including statutory day)  
 FTE Bank Holiday entitlement: 8  
 Total FTE leave entitlement: 33 (annual leave + Bank Holidays)  
 Contracted hours: 21 to be amended

	Days	Hours	
Total annual entitlement:	19.8	138.6	(annual leave + Bank Holidays)
Leave carried forward:	0	0	
Total for year:	19.8	138.6	

DATE(S)	HOURS BOOKED	BALANCE
		138.6
		138.6
		138.6
		138.6
		138.6
		138.6
		138.6
		138.6
		138.6
Total taken:	0	
Outstanding/to carry forward:		138.6

Special Leave will be paid under the following circumstances:

Ref.	Item	Details of paid leave	Part time provisions
(1)	Time Off for Dependants	Up to 5 days cumulative in any leave year*	Entitlement is pro rata
(2)	Funeral attendance	1 day (in addition to provisions under (1) above) for attendance at the funeral of a dependant (as specified in 17.4 and 17.5 above).	Entitlement is fixed
(3)	Funeral arrangement**	4 days (in addition to provisions under (1) and (2) above.	Entitlement is pro rata
(4)	Hospital appointment	1 day on provision of appointment letter (personally sensitive information redacted).	Entitlement is fixed
(5)	Other medical appointment	Full day or half day, as required to attend the appointment, where it cannot be scheduled outside of working hours, or where urgent. Appointment letter to be provided to the line manager (personally sensitive information to be redacted).	Entitlement is fixed

\*Up to an additional 5 days unpaid leave may be granted

\*\* Where the member of staff is responsible for the administration and organisation of the funeral