



# **BRAUNSTONE TOWN COUNCIL**

Serving the communities of Braunstone Town and Thorpe Astley

## **LEAVE ENTITLEMENT POLICY & PROCEDURE**

### Purpose and Scope

1. This Policy and Procedure sets out details of the holiday and other types of leave staff are entitled to, and how leave requests are managed to ensure fairness and maintain a work-life balance.
2. The Policy and Procedure applies to all employees of Braunstone Town Council, whether full or part time, permanent or fixed term. The Policy & Procedure does not apply to agency workers or employees of contractors.

### Principles

3. Braunstone Town Council is committed to fostering a positive, healthy, productive and flexible working environment built upon employees' work-life balance and equal opportunities.
4. The Town Council will maintain working arrangements that strike a balance between delivering high and efficient standards of service while enabling employees to achieve a work-life balance.
5. Braunstone Town Council will comply with legal requirements in respect of working time and statutory time off. The Town Council will consider all other requests for paid or unpaid leave in line with our policies and procedures.

### Holiday Entitlement

6. Full time staff, i.e. those who are contracted to work 37 hours per week, are entitled to 24 days paid leave per annum, increasing to 29 days after five years continuous local government employment.
7. Part-time staff entitlements are pro-rata those of full time staff.
8. Where a role includes opportunities for additional hours to be worked; then holiday entitlements will be based on average weekly earnings over a 52 week period.
9. The Council's holiday year runs from 1<sup>st</sup> April to 31<sup>st</sup> March each year. Employees are expected to use all their entitlement during the year. Only five unused days (full-time staff, pro-rata for part-time staff) can normally be carried over and used within the month of April, with permission. Any additional unused holiday entitlement cannot be paid.

10. Employees who leave or join the Council during the holiday year are entitled to a pro-rata holiday allowance, based on how much of the year they work for the Council.
11. Where an employee leaves the Council's service during the holiday year and, with the agreement of their Line Manager, does not use the outstanding pro-rata holiday allowance, then the balance will form part of the final salary calculation.

### Bank Holidays

12. Full time staff are entitled to 8 Bank Holidays (Spring Bank Holiday, Good Friday, Easter Monday, May Day, August Bank Holiday, Christmas Day, Boxing Day and New Year's Day).
13. If full-time staff are required to work on a Bank Holiday they will be entitled to Time Off in Lieu.
14. Part-time staff have their Bank Holiday entitlement included in their annual leave allowance.
15. Where part-time staff normally work, but will take the bank holiday off, they should include the equivalent hours on their annual leave form. If part-time staff are required to work on a Bank Holiday, it should not be booked as annual leave.
16. Where a part-time employee joins or leaves the Council's service during the holiday year, the bank holiday element of the pro-rata holiday allowance will be adjusted according to the number of bank holidays which fall within the period.

### Leave and Time Off Requests

17. All holiday and time off in lieu requests will be considered by the line manager, depending upon:
  - a. How many other Employees have already approved time off during the same period.
  - b. Whether it is essential to service delivery that the employee, because of their role, is required to be at work during the period.
  - c. No more than a maximum of three weeks are requested at any one time.
  - d. The request is made with at least as much notice as the amount of time requested for the period of paid leave
18. Staff may have an agreed working pattern with their Line Manager. This does not mean they will not be required to work at other times and on other days covered by their employment contract. Therefore, to guarantee a particular day off work (irrespective of whether the staff member normally works on that date), leave or time-off in lieu should be booked in accordance with the provisions of this Policy & Procedure.

## Medical Appointments

19. Staff are required to make GP and Dentist appointments outside of normal working hours. Staff attending hospital appointments are required to show an appointment card to their line manager prior to attending the appointment and will be entitled to paid time off if the appointment is during their normal working hours.

## Parental Leave

20. All Employees who are parents of children aged under eighteen years old, are entitled to 18 weeks unpaid leave; pro rata for part time staff.
21. This entitlement can be taken as a minimum of one week per annum, up to a maximum of four weeks per annum per child.
22. When taking Parental Leave, the employee must submit their request to their Line Manager giving the same period of notice as for holidays, and inform their Manager that it is specifically for Parental Leave.

## Time off for Dependants

23. Employees have the right to take a reasonable period of unpaid time off during working hours to deal with unexpected or sudden problems affecting dependants and to make any necessary longer-term arrangements for their care, for example:
  - if a dependant falls ill or has been involved in an accident or assaulted, including where the dependant is hurt or distressed rather than injured physically;
  - to make longer term care arrangements for a dependant who is ill or injured;
  - to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when a child minder or nurse fails to turn up;
  - to deal with an incident involving your child during school hours; for example, if the child has been involved in a fight or is being suspended from school.
24. A dependant is an employee's spouse, child, parent, or someone who lives with them as part of the family (other than an employee, tenant, lodger or a boarder), for example, this could be an elderly aunt or grandparent who lives in the household, or anyone who reasonably relies on the employee either for assistance or to make care arrangements in the event of illness or injury.
25. The Council recognises that most of these events can occur without a great deal of warning; however, employees must tell their Line Manager as soon as possible about the absence, the reason for it and how long they expect to be away from work.
26. In most cases, the amount of leave required will normally be 1 or 2 days at the most, but this will depend on individual circumstances. You may be able to take a longer period of leave if this is agreed with your Line Manager.

27. This right is intended to cover unforeseen circumstances. If you know in advance that you are going to need time off, you may be able to arrange to take this time as part of your annual leave entitlement or under another leave entitlement detailed in this policy.
28. Line Managers will hold an informal return to work meeting with employees who have taken time off for dependants to establish the reason and that the circumstances were unforeseen. Notes of the meeting should be signed by both the Employee and the Manager.

### Bereavement Leave

29. All Employees are entitled to up to four weeks Bereavement Leave in the event of the death of a dependent child aged from week 24 of the pregnancy up to 18 years old.
30. For those with 26 weeks continuous employment payment will be in full.

### Compassionate Leave

31. Sympathetic consideration will be given to any employee requesting absence from work on compassionate grounds. Such grounds might include bereavement or serious illness of a close relative, partner or family member.
32. To deal with the death of a dependant; for example, to make funeral arrangements and to attend a funeral; paid leave will be granted of up to 5 days for a spouse, parent (including in-law) or a child. Paid leave will be granted to attend the funeral of a close relative or family member.
33. Paid absence may be granted for up to 5 working days in any leave year (1 April to 31 March) for serious illness of a spouse, parent (including in-law) or a child.
34. Leave will be granted by the relevant Manager who is at Service Manager level or above after consideration of the merits of the request, which should be set out by the employee in writing.
35. Further periods of unpaid Compassionate Leave may be granted by the relevant Manager.
36. Compassionate Leave will be recorded on the employee's leave entitlement form.
37. Compassionate Leave is not available if it coincides with another pre-arranged period of holiday or time off in lieu. Further guidelines and definitions are available from the Line Manager.

### Maternity Leave

38. All female Employees are entitled to 52 weeks Maternity Leave, which consists of 9 months ordinary paid leave (if eligible) and an optional 3 months additional unpaid leave.

39. All female Employees are entitled to 9 months paid Maternity Leave, and will receive Statutory Maternity Pay (SMP) if their average weekly wage exceeds the National Insurance lower earnings limit and have been employed for a period of 6 months at the 15<sup>th</sup> week prior to the due date of the birth of their child. Employees need to discuss all arrangements with their line manager prior to beginning this leave.
40. Braunstone Town Council cannot permit a mother to work during the period of 2 weeks, which commences on the day of childbirth.
41. Employees on Maternity Leave will be able to arrange up to 10 'Keep in Touch Days' with their Line Manager, to return to work for short periods during their leave and receive their normal rate of pay on these working days, without damaging their entitlement to Maternity Pay.

#### *Notice Requirements*

42. Pregnant women must give notice in writing to their Line Manager no later than the end of the 15th week before the expected week of childbirth, (or as soon as reasonably practicable), stating:
  - that the employee is pregnant;
  - the expected week of childbirth;
  - the date on which the employee intends to start taking their ordinary maternity leave period (and additional maternity leave, if eligible), which must be a date no earlier than the beginning of the 11th week before the expected week of childbirth.
43. Employees will need to give their Line Manager 8 weeks prior notice if they wish to return to work early from Maternity Leave.
44. Employees are required to give their Line Manager twenty eight days' notice prior to their intended return date from ordinary Maternity leave. No notice is required from Employees who have taken 12 months Maternity Leave.

#### *Maternity Pay*

45. Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the expected week of childbirth shall be the employee's entitlement to Statutory Maternity Pay (SMP), where eligible.
46. Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:-
  - a) For the first eight weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
  - b) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the

employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution. For the remainder of the maternity leave period the employee will receive their entitlement to SMP currently 39 weeks in total, where eligible.

- c) Payments made by the authority during maternity leave under (b) above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the Chief Executive & Town Clerk, or the Employing Committee in relation to the Chief Executive & Town Clerk, on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the above, acting on behalf of the Council, may decide. Payments made to the employee by way of SMP are not refundable.
- d) For employees not intending to return to work payments during their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible.

#### Time off for Antenatal Care

- 47. Pregnant women are entitled to take a reasonable amount of paid time off during your normal working hours to keep appointments for antenatal care, made on the advice of a registered medical practitioner, midwife or health visitor.
- 48. Employees should, wherever possible, try to arrange appointments at the start or end of your working day. Antenatal care may include relaxation and parent craft classes as well as medical examinations.
- 49. Employees will be required to show their Line Manager the antenatal appointment card if requested (other than for the first appointment).
- 50. All time off for antenatal care will be paid at the normal rate of pay.

#### Paternity Leave

- 51. New Fathers are entitled to two weeks paternity leave, as follows:
  - a) new fathers with less than 1 year's continuous local government service, paid at the same rate as SMP;
  - b) new fathers who have completed 1 year's continuous local government service, nine-tenths of a week's pay for each week offset against payments made by way of SMP;
  - c) leave can be taken in one block of two weeks, or two separate one week periods.
- 52. This leave must be taken within fifty two weeks of the child's birth.
- 53. Employees are required to show their Line Manager a relevant MAT B1 when making a request to take this leave.

## Shared Parental Leave Entitlement

54. Parents who both have 26 weeks or more continuous employment, and who earn above the National Insurance Lower Earnings Limit, can take Shared Parental Leave (SPL).
55. Both Parents can share a total of 37 weeks paid at the same rate as Statutory Maternity Pay and 12 week's unpaid leave, following their child's birth.
56. Mothers must take two weeks compulsory Maternity leave immediately after the birth, (four weeks for manual workers). Following that compulsory period, both Parents can request dates to take leave totalling 37 weeks paid (35 for manual workers) and 12 weeks unpaid.
57. Leave can be taken by both Parents at the same time, or in alternating periods.
58. Employees wishing to take SPL should submit a written eight week notice to their Line Manager, specifying the dates they wish to take.
59. To take leave:
  - a) Both Parents must qualify in terms of earnings and length of service. An Employee's partner must have been an employed or self-employed earner in Great Britain for a total 26 weeks (not necessarily continuously) in the period of 66 weeks leading up to the week in which the child is due.
  - b) The Mother must give her Employer eight weeks' notice that she is ending her Maternity Leave.
  - c) The following evidence that an Employee's Partner/Spouse is also entitled to SPL should be submitted to the Line Manager:
    - The Partner/Spouse's name.
    - Their National Insurance number.
    - Copies of the Partner/Spouse's pay slips for the past eight weeks.
    - A letter from the Partner/Spouse's Employer to confirm that they are entitled to SPL.
60. Requests for just one continuous period of leave will be granted.
61. If an Employee requests two or more separate/discontinuous periods of SPL, the Line Manager, during the first two weeks of the eight week notice, will discuss dates with the Employee, which are unacceptable for business reasons.
62. If agreement cannot be reached, the Employee will be entitled to one continuous period of SPL, starting from the date the discontinuous leave request was due to start.

## Adoptive Leave

63. Employees who are in the process of becoming adoptive parents are entitled to take leave around the time of the placement of a child. Adoption Leave and Adoption Pay is a statutory entitlement for adoptive parents, similar to statutory maternity leave provisions. The entitlement applies to either parent (but not both).

64. In all cases the current statutory provisions will apply. Employees are advised to contact their Line Manager to obtain full details regarding current legislation and procedures.

### Jury Service

65. An employee who receives a summons to serve on a jury, must report the fact to the Line Manager as soon as possible.
66. Braunstone Town Council will in accordance with the law release you for jury service when required to do so.
67. Employees will be paid in full for the first week of Jury Service; then at half-pay for any days served during the second week. From week three, Jury Service will be unpaid.

### Study Leave

68. Staff may be granted paid time off to study for and attend examinations during normal working hours, where the study and qualification relates to their employment.
69. Staff may be granted unpaid time off to study for and attend examinations during normal working hours, which are unrelated to their employment. This entitlement will be granted at the discretion of the relevant Manager who is at Service Manager level or above.
70. Entitlement will be detailed in a separate column on your leave entitlement form and absence will require prior authorisation from the relevant Line Manager.

### Unpaid Leave

71. In addition to the entitlements set out in this Policy & Procedure, employees can request unpaid leave for whatever reason. This can range from a career break to wanting time off work but the employee does not have enough annual leave or accumulated hours available to use. Except where another entitlement in this policy applies, the process for making and determining requests will be the same.
72. An employee requesting unpaid leave under this provision should submit their request in writing to their Line Manager, with at least as much notice as the amount of time requested for the period of unpaid leave, setting out:
- a) the reason for the request,
  - b) the date or period requested,
  - c) the likely impact on their workload and how they propose to address/mitigate this.



73. A request will be considered at the discretion of the relevant Manager who is at Service Manager level or above. The relevant Manager will take into account:
- a) whether it is essential to service delivery that the employee, because of their role, is required to be at work during the period,
  - b) whether there are other employees, with suitable skills, who can cover the role in the employees' absence,
  - c) whether it is possible to cover the absence using existing staff, agency staff, seconding staff or recruiting on a fixed term contract,
  - d) whether the cost of covering the role can be offset by the employees' salary saving, and
  - e) whether there are any other additional costs to the Council.

Complaints and Grievances

74. Any employee who has a complaint concerning how their leave has been handled should in the first instance raise the matter directly with their Line Manager. If the matter remains unresolved, employees have the option of raising their concern by submitting a Grievance in accordance with the Grievance Policy & Procedure.

Review of the Policy

75. This Policy will be reviewed by the Policy & Resources Committee every four years following consultation with staff.

DATE ADOPTED	11 <sup>th</sup> March 2024	REVIEW DATE	March 2028
REVISED DATE/S			