



LEAVE ARRANGEMENTS FOR EMPLOYEES

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TENDRING DISTRICT COUNCIL

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LEAVE ARRANGEMENTS FOR EMPLOYEES

1. Introduction

Tendring District Council is committed to developing and maintaining working arrangements which enable employees to achieve a better work-life balance. Annual leave and other types of leave, are an important element in achieving a positive approach to work.

There are several types of leave entitlement, and it is essential that an employee gains authorisation for the type of leave that suits their need for absence from the workplace. All requests for leave will be dealt with fairly and consistently, and in accordance with the Council's Equality and Diversity Policy (Employment).

2. Annual Leave Entitlements

The purpose of annual leave is to provide employees with time away from the workplace to rest. The Council's leave year currently runs from 1 April to 31 March, however, the Council reserves the right to review this arrangement. All leave must be properly requested on either the Self Service system or an annual leave card, and authorisation gained from the appropriate manager. The Council reserves the right to refuse applications for leave if requested at an inappropriate time.

The Council's Staff Handbook confirms that the standard paid holiday entitlement for all staff is a minimum of 21 days. This allocation of leave increases depending on the employees Spinal Column Point on the Council's Salary Scale. There is also an increase when an employee has completed more than 5 years service at the start of a leave year. A table detailing annual leave entitlement is shown below: -

Spinal Column Point	Holiday Entitlement	After 5 years Continuous Service as at 1 April
1-22	21 days	26 days
23-34	25 days	27 days
35-43	28 days	30 days
44 & Above	30 days	32 days

The Council's offices are closed between the Christmas and New Year period. As a result 2 days annual leave have been removed from employees leave entitlement. For those Service's where employees have to work over the Christmas period e.g. Careline, Theatre & Leisure Services, employees will gain Time Off In Lieu, which may be taken at a later date in agreement with their manager, this will need to be taken before the end of the financial year. The Council reserves the right to review this practice from time to time and vary this arrangement after consultation.

In addition there is an entitlement to statutory Bank Holidays per year, these include:

- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day
- New Years Day

If a Public Holiday falls on a Saturday or Sunday, the following Monday or Tuesday is usually designated as a general public holiday. Employees are entitled to a normal day's pay for each public holiday as it occurs, irrespective of length of service. Please see section 10 below for calculating the entitlement for part time employees.

3. Annual Leave Calculations

Full time employees should record their annual leave entitlement in full and half days. However, this is more difficult for staff who work part time, and in this case they should be recorded in hours.

a) Part Time Entitlement

For ease, leave should be calculated and recorded on an hour basis. The simple formula is:-

$$\begin{array}{l} \text{Annual Leave} \\ \text{Entitlement} \end{array} \times 7.4 \div \begin{array}{l} \text{Full Time Equivalents'} \\ \text{Working Week} \\ \text{i.e. 37} \end{array} \times \begin{array}{l} \text{Number of Hours} \\ \text{Contracted to} \\ \text{Work per Week} \end{array}$$

Please note 7.4 is the equivalent to one working day, based on a 37 hour week.

- For example:
For an employee who works 15 hours per week and would be entitled to 21 days leave if they worked full time, the calculation would be as follows:

$$21 \times 7.4 \div 37 \times 15 = 63 \text{ hrs annual leave}$$

The annual leave calculator, which will calculate the employees entitlement based on the number of hours worked per week, can be found on Ping!

4. New Employees

Employees who start part of the way through a leave year, are entitled to holidays in proportion to completed calendar months of service. If employees commence employment after the 14th day of a month, annual leave entitlement will be calculated with effect from the beginning of the subsequent month.

For part time employees, the formula or calculator in Section 3 would be used, and then pro rata the total number of hours by months as above.

5. Short Term Contracts

Employees with a Fixed Term Contract should calculate their leave entitlement in the same way as permanent employees. It should be proportioned accordingly if the fixed term contract is due to expire at any time other than the end of a leave year (i.e. 31st March).

6. Employees who Leave

On termination of employment, if an employee leaves after the 15th of the month, their annual leave will be calculated to the end of the month in which the employee is leaving. If an employee's termination date is before the 15th of the month, their leave will be calculated up until the end of the month before the employees termination date.

As outlined in Section 7 below, there may be certain circumstances where an employee is unable to use their annual leave entitlement before their employment ends, in these circumstances, any outstanding entitlement should be included on the

Termination Form submitted by their manager. This will allow Payroll and Payments to ensure the employee is paid for any untaken leave. However, in all cases, every effort should be made to take annual leave.

Where an employee has taken more leave than they would have accumulated at the date their employment ends, this should also be recorded on the Termination Form by their manager, so that Payroll and Payments can claim any overpayment back in their final pay.

7. Payment in Lieu of Untaken Leave

There are certain circumstances in which it is not possible for employees to take their outstanding leave entitlement before the date of leaving. The Council will award payment in lieu of leave untaken in these circumstances.

The particular circumstances are:-

- (a) Long term sickness absence and maternity leave from the date absence started (including annual leave not taken in the previous annual leave year up to a maximum of 5 days) and up to the date of leaving;
- (b) Any situation where the member of staff is required to work up to the date of leaving due to the demands of the service;
- (c) In redundancy situations;
- (d) Short term temporary contracts where it would be impractical for the employee to be absent from the workplace.

It should not extend to situations where the employee has deliberately chosen not to take the balance of annual leave to which he/she is entitled.

8. Carrying Over of Annual Leave

Employees may carry over 3 days untaken Annual Leave from one leave year to the next (pro-rata for part-time staff). In exceptional circumstances, and with the agreement of their Head of Department/Assistant Director, employees may carry over 5 days untaken Annual Leave (pro-rata for part-time staff).

9. Recording Leave

Managers are responsible for maintaining all leave records of their employees. Staff are reminded to make sure that they have the appropriate approval before making bookings for holidays/making arrangements for time off. The Council reserves the right to refuse annual leave if there are too many other members of staff off at the same time, or it is requested at an inappropriate time from a workload point of view.

10. Bank Holiday Entitlements for Part Time Employees

There is an entitlement to Statutory Bank Holidays each year. Part time employees, regardless of whether they would normally work days on which public holidays fall, receive an entitlement on a pro rata basis.

The actual entitlement for each of these days will be based on the ratio of the hours worked by the individual part timer, to those contracted to be worked by their full time equivalents. Therefore, for those part time employees who regularly work each day of the working week, with the same number of hours worked each day, public holidays will be taken as they fall.

For employees who work either less than five days in any week, or irregular hours over five days, or less than 52 weeks in a year, or combinations of the above, a pro rata calculation needs to be made. The Annual Leave and Bank Holiday Calculator can help with this.

Part time employees' annual leave usually includes their entitlement to Bank Holidays. Therefore, these staff must ensure that, if a Bank Holiday falls on a day that they usually work, they have booked this day as annual leave or the hours are worked on a different day.

11. Compassionate Leave

From time to time, because of bereavement, illness and other domestic problems, staff may need time off other than for the purpose of annual leave. It is the responsibility of the individual employee to discuss the matter with their Head of Department/Manager and in certain circumstances compassionate leave of up to 3 days may be granted at the Assistant Director/Head of Departments discretion. Extensions beyond this amount will require consultation with Human Resources.

The agreed criteria within each Department for the approval of requests for compassionate leave is as follows:-

- a) Immediate approval by the Assistant Director/Head of Department can be given for compassionate leave of up to 3 days duration to an employee following the death of a parent, child, spouse or sibling.
- b) Parents who suffer the loss of a child under the age of 18 or a stillbirth from the 24th week of pregnancy are entitled to two weeks' Statutory Parental Bereavement Leave (SPBL) and Statutory Parental Bereavement Pay (SPBP) will be available to employees with 26 weeks continuous employment with the Council. Please refer to Section 12 of this policy for further details.
- c) Compassionate leave may also be awarded at the discretion of the Assistant Director/Head of Department, following the death of an employee's close family member. Again the employee's case will need to be made to the Assistant Director/Head of Department for any leave to be treated as compassionate leave.
- d) Sudden and very serious illness amongst immediate members of an employee's family, as determined in (a) and (b) above, may also warrant compassionate leave. The approval procedure applies as above.
- e) Any long term "life partner" of an employee should be given equal consideration. Again approval applies as in (a) and (b) above.

Special Leave can be granted by the Assistant Director/Head of Department in consultation with Human Resources. This can be paid, unpaid or a combination of both for exceptional circumstances requested by an employee.

Human Resources should always be informed of Compassionate Leave or Special Leave and will maintain a record on the employee's personal file.

12. Statutory Parental Bereavement Leave & Pay

- a) Statutory Parental Bereavement Leave (SPBL) is available to all employees who are 'bereaved parents' (which means they were the primary carer for a child who has died under the age of 18).
- b) Leave will be available for all employees from Day 1 (there is no minimum service needed).
- c) Statutory Parental Bereavement Pay (SPBP) will be available to employee's with 26 weeks continuous employment with the Council (*at the week before the week in which the child dies; as long as they are still employed by the Council on the day on which their child dies*) and where their normal weekly earnings in the 8 weeks up to the week before the child's death are not less than the lower earnings limit for National Insurance contributions purposes.
- d) This entitlement will also be available to adults with parental responsibilities for children, who are not their birth parents, i.e. for adoptive parents, those who are fostering to adopt, legal guardians and most foster parents (*except those in short-term fostering arrangements*).
- e) It also applies to parents who have suffered a stillbirth 24 weeks or more into pregnancy.
- f) Where more than one child dies, the parent will have a statutory entitlement to leave and pay in respect of each child.
- g) The leave must be taken in units of 1 week (*it cannot be taken as individual days*) – so it can be taken as a single block of 2 weeks, or 2 separate blocks of 1 week at different times.
- h) The leave can be taken at any time up to 56 weeks from the date of the death of the child. (*This timescale is deliberate as, for example, it would allow an employee to take leave at the first anniversary of the child's death; and the bereavement leave can be added onto the end of a 52 week maternity leave*).
- i) Bereavement leave can be taken straight away after the death of the child. If this leave is not taken straight away (*or all of it is not taken straight away*), then employee's will be required to give 1 weeks' notice to the Council that they will be taking this leave.

13. Unpaid Leave

In some circumstances it may be appropriate for an employee to be granted unpaid leave. A formal request should be made to the manager in consultation with Human Resources. Once approved, this should be recorded and Payroll and Payments should be notified. This would apply to a request outside the criteria for 'Time off for Dependents'. Requests for sabbaticals will be considered on a case-by-case basis.

14. Medical and Dental Appointments

The Council will view sympathetically time off for such appointments, where it is not possible for them to be arranged outside working hours. If the employee has control over the timing of such appointments, however, they are asked to arrange them in such a way as to cause minimum disruption to their normal working day, e.g. at the

beginning or end of a working day. The Council reserves the right to ask staff to make this time up. The employee should, where applicable, utilise the Flexible Working Hours Scheme for such appointments and arrange appointments outside of core time.

15. Jury Service /Court Attendance

If an employee is called for jury service or are required to attend court, please ensure they claim from the Court for loss of earnings, as this amount will be deducted from their salary. The employee must advise their manager as soon as they are called for jury service or to attend court. For further guidance please refer to the Court Attendance Bulletin on Ping! or available from Human Resources.

16 Public Duties

Staff who are involved with the local community will be provided with reasonable time off for public duties subject to prior written agreement of their Assistant Director/Head of Department e.g. Justice of the Peace, School Governor.

17. Flexi-Leave

Where the Flexible Working Hours Scheme is operating within a Department, flexi-leave should be requested in the same manner as annual leave. Flexi-leave should be authorised by the appropriate Manager.

Entitlement to flexi leave is explained in more detail in the 'Flexible Working Hours Scheme'. A copy can be obtained from Ping!

18. Study Leave For Employees Under Sponsorship

Employees who have entered into an agreement with the Council for sponsored qualification training will be entitled to pre-examination study leave. The current entitlement is a maximum of one day per examination and a maximum of three days per academic year (subject to change). Additional time off to attend residential's, field work or examinations should be negotiated with the employees Manager/Head of Department.

19. Time to Train

From the 6 April 2011, the right for time out of the workplace to train was extended to include all employees, not just young people. Employees have a statutory right to make an application to undertake study or training which will improve their effectiveness in their job, and the performance of the Council. This does not need to result in a formal qualification, and can include shadowing a work colleague. There is no right to be paid for any time needed out of the workplace, and any request should be made in writing to the employees Assistant Director/Head of Department for consideration in consultation with Human Resources.

20. Other Types of Leave

It is essential that an employee gains authorisation to take leave from the workplace for the right reason. There are several types of authorised leave available, and further advice on the following can be found on Ping!

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|---------------------------|--|
| • Maternity leave | Maternity Policy |
| • Paternity leave | Maternity Policy |
| • Adoption leave | Maternity Policy |
| • Parental leave | Guidance on Parental Leave and Time off For Dependants |
| • Time off for dependants | Guidance on Parental Leave and Time off For Dependants |

- Flexible working hours scheme

21. Unauthorised Absence

In all cases, where absence is needed from the workplace, an employee must seek approval from their line manager, or Head of Department. The only exception is when an employee is absent due to ill health, and the sickness reporting procedure outlined in the Council's Sickness Absence Policy should be followed.

Where an employee has not gained authority to be absent, and fails to attend the workplace, it will be classed as 'unauthorised absence'. An employee who is unauthorised to be absent from work may not be paid for the period of absence, and could be subject to disciplinary action.

22. Further Guidance

In most cases, the Policies and Procedures referred to are available via Ping! However, if the employee does not have access to Ping! or would like further advice or guidance, they should not hesitate to contact a member of Human Resources.