



## **Denny Lodge Parish Council**

### **LEAVE POLICY**

#### **1. Scope**

1.1 All employees of Denny Lodge Parish Council

#### **2. Policy**

2.1 Terms and Conditions of Service (including holiday entitlements) are shown in Denny Lodge Parish Councils' staff contracts. They may be amended and/or supplemented from time to time.

#### **3. Definition**

3.1 Entitlement to leave will accrue from day 1 of the worker's employment.

3.3 Employees are contractually entitled to the Annual and Public holidays provided for under their Conditions of Service. Employees are also contractually entitled to paid leave to sit approved examinations and to undertake jury service. All other leave is granted at the discretion of Council.

#### **4. Good practice Standards**

Good practice guidance is given below under the following headings:

- 4.1 Delegated Authority
- 4.2 General Rules
- 4.3 Public Holidays
- 4.4 Annual Leave
- 4.5 Sickness during Annual Leave
- 4.6 Annual Leave entitlement on Termination of Employment
- 4.7 Examination Leave
- 4.8 Maternity Support Leave
- 4.9 Maternity & Paternity Leave
- 4.10 Parental Leave & Time off for Dependents
- 4.11 Compassionate Leave
- 4.12 Additional Leave
- 4.13 Leave Entitlements for Part-Time Employees
- 4.14 Adverse Weather Conditions
- 4.15 Sick Leave

##### **4.1 Delegated Authority**

4.1.2 Council delegates authority to the Chairman to approve applications for the taking of contractual leave.

##### **4.2 General Rules**

4.2.1 All types and all periods of leave must be approved by Council (Chairman for contractual leave), recorded in Council minutes with any conditions being given to the employee in writing.

4.2.2 All types and all periods of leave taken must be recorded in writing and be available for inspection at any time by Council members.

4.2.3 The Council reserves the right to refuse an application for leave or time off if it is necessary to maintain appropriate levels of service. Such a decision should be reasonable in all of the circumstances.

### **4.3 Public Holidays**

**4.3.1** Unless the employee's contract specifies otherwise, he/she will be entitled to all public holidays including any additionally granted by government in any year.

### **4.4 Annual Leave**

**4.4.1** The annual Leave year runs from 1 April to 31 March. Entitlement for part of a year's service is on a pro-rata basis for whole months worked.

**4.4.4** Up to 5 days annual leave may be carried forward into the next leave year.

**4.4.5** Annual leave taken by the parish clerk must not be taken on scheduled Council meeting dates without approval of entire Council.

### **4.5 Sickness during Annual Leave**

**4.5.1** An employee who becomes sick during a period of annual leave should obtain a medical certificate from the GP or hospital. Leave will be suspended from the date of the medical certificate and can be re-applied for when the employee returns to fitness.

### **4.6 Annual Leave Entitlement on Termination of Employment**

**4.6.1** If an employee leaves the Council's employment during a leave year, he/she should use up any remaining leave entitlement prior to their termination date.

**4.6.2** If there are valid reasons why the employee cannot take leave due, he/she will be entitled to receive pay in lieu of the untaken leave.

**4.6.3** If the employee has taken leave beyond that earned by service in the year, a deduction for the excess leave taken will be made from the final salary payment.

### **4.7 Examination leave**

**4.7.1** Employees are entitled to leave with pay to sit approved examinations.

### **4.8 Maternity Support Leave**

**4.8.1** *Maternity Support Leave allows for 5 days with pay to be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of the birth. It should not be confused with Maternity Leave or Parental Leave.*

**4.8.2** A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

**4.8.3** Applications for Maternity Support Leave should be submitted to Council in writing giving 28 days notice. Statutory Paternity Leave may also apply which will be applied in line with current law.

### **4.9 Maternity & Paternity Leave**

This will be applied in line with current law.

### **4.10 Parental Leave and Time off for Dependants**

**4.10.1** Parental Leave is a period of leave taken to look after or make arrangements for the benefit of a child. Each parent has the right to up to 13 weeks off work, either taken as a block or weekly. Such leave is without pay. The maximum yearly entitlement is 4 weeks for each child. It is applicable after a minimum of one year's service and for children under 5 years old.

**4.10.2** Time off for Dependants is available for all employees to cope with an unexpected crisis, for example, to deal with a disruption in childcare arrangements. This is normally unpaid and should only be taken to make other arrangements to cope with the situation. A dependant could be the partner, child or parent of any employee or someone who lives with the employee as part of their family.

### **4.11 Compassionate Leave**

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4.11.1 Compassionate Leave, with or without pay, may be granted at the discretion of Council but will not normally exceed 5 days. Compassionate grounds may include serious illness or death of a close relative or attendance at a funeral

#### **4.12 Additional Leave**

4.12.1 Additional leave, with or without pay, may be granted in special circumstances at the discretion of Council.

#### **4.13 Leave Entitlements of Part-Time Employees**

4.13.2 Part-time employees have the same entitlement as full-time employees, pro rata, to annual leave, public holidays and other contractual leave provisions. They are also entitled to the same consideration as full-time employees for discretionary leave and time off.

4.13.3 Part-time employees cannot be expected to use their normal non-working or holiday time on Council business; this applies to training and any peripheral activity.

4.13.4 The leave entitlement of part-time employees is calculated pro rata of the full-time hours for their respective employment group. For employees this is 37 hours.

4.13.5 The formula for calculation of pro rata holiday entitlement is leave entitlement x contracted hours ÷ 37 hours.

4.13.7 When accounting part-time leave taken, a day's leave is only the number of hours that normally would have been worked on that day.

#### **4.14 Adverse Weather Conditions**

4.14.1 Absences during these periods should be treated as follows:

If employees are unable to work for a number of reasons related to weather conditions (including possible school closures), then employees are requested to take annual leave. If there is no annual leave entitlement remaining, then leave must be taken as unpaid.

#### **4.15 Sick leave**

##### **4.15.1 Notification and certification**

If an employee is unable to attend work due to sickness, he or she must notify the Council by contacting the Chairman as soon as possible, but no later than the end of the working day on which the absence first occurs. He or she should indicate the reason for the absence and, if possible, when he or she expects to return to work.

4.15.2 The employee must complete a self-certification form for the first seven calendar days of all sickness absences and give it to the Chairman. This form can be completed on the employee's return to work if their absence lasts less than seven calendar days. Otherwise, they must request a copy form and complete and post it to the Chairman as soon as possible.

4.15.3 If the employee is absent by the eighth day (including Saturday and Sunday), they must send a fit note, issued by their GP, to the Chairman. Current fit notes must cover subsequent periods of absence. The employee should also keep in touch with the Chairman regarding their condition and likely return to work date.

4.15.4 If the employee does not follow this procedure, they may be dealt with under the Council's Disciplinary, Dismissal and Grievance Policy. Furthermore, the employee's contractual sick pay and statutory sick pay (SSP) may be withheld.

4.15.5 **Private medical certificates** - In some circumstances the Council may require the employee to provide private fit notes for all absences from work due to sickness, regardless of their duration. The Council will reimburse him or her fully for the cost of obtaining these certificates. Examples of such circumstances include:

- A history of exceptional absenteeism
- An appearance or disposition such that management are concerned that the employee may not be receiving adequate medical attention.

**4.15.6 Return to work** - The employee will not be allowed to return to work until their GP deems that they are fit to return.

Requests for temporary adjustments to the employee's working conditions will be considered by the Council and will be accommodated wherever possible and if Council's circumstances permit.

In the case of extended periods of absence, the Council may require that the employee's fitness to return is confirmed by a medical practitioner of the Council's choice.

Regardless of their length of absence, the employee will be interviewed by the Chairman on their return to work in order to:

- Check on the employee's fitness to return
- Ensure that all the support the employee needs is in place
- Bring the employee up to date on any changes.

#### **4.15.7 Fit notes**

An employee's GP might indicate on a fit note that the employee "may be fit for work". If this option is selected the GP will also identify potential amendments that should be made, selecting from:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

If a fit note is received the Chairman will contact the employee and arrange for a meeting between the employee and the Chairman. At this meeting the suggested amendments will be discussed with the aim of facilitating the employee's return to work.

If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate. It should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

#### **4.15.8 Medical examination**

The Council reserves the right to require the employee to be examined by a practitioner of its choice in order to seek a medical opinion. (A refusal to be examined may lead the Council to take disciplinary action against the employee, up to and including dismissal.)

#### **4.15.9 Access to medical reports**

In order to gain as much information about the employee's medical condition as possible, the Council may also request the employee's permission to contact his or her GP and ask for a medical report on the employee's condition. The employee may ask to see this report.

#### **4.15.10 Extended absences**

The Council will be sympathetic when an employee is ill, but the employee should appreciate that if they are persistently absent through ill-health or long-term injury or incapacity, it will not be possible for the situation to continue indefinitely, and their employment may be reviewed or terminated. Termination will not take place without:

- Full consultation with the employee
- Medical investigation
- A consideration of alternative employment.

Where a return to work does prove possible, the Council may require that the employee's fitness to return is confirmed by a practitioner of the Council's choice.

#### **4.15.11 Meetings/home visits**

During any absence it is important that the employee keeps in touch so that Chairman is kept informed of the employee's health and likely return-to-work date. The employee will therefore be periodically asked to attend meetings with the Chairman, for the purpose of providing information and facilitating an effective return to work.

If the employee is too unwell or physically unable to leave their home, the Council reserves the right to visit him or her at home.

#### **4.15.12 Disability**

If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010, the Council will attempt to make reasonable adjustments to their job to accommodate their requirements. The employee will be fully consulted at all times. If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work in the near future, a decision to dismiss may be the inevitable outcome.

#### **4.15.13 Dismissal and the right to appeal**

In the event of a dismissal, the reason for the dismissal and the circumstances leading up to that decision will be documented in writing to the employee. The employee may appeal against their dismissal by writing, within five working days of their receipt of the dismissal letter, to the Chairman, stating the grounds on which they wish to appeal.

The appeal will be heard in accordance with the Council's Disciplinary, Dismissal & Grievance Policy. This right also applies to 'action short of dismissal' such as alteration of duties.

#### **4.15.14 Payment arrangements**

##### **1. Statutory sick pay (SSP)**

The employee's SSP qualifying days are Monday to Friday or, in the case of part-time employees, those days that he or she normally works. If the employee is eligible for the payment of SSP, it will be subject to the deduction of tax and National Insurance contributions.

##### **2. Contractual sick pay (delete if not appropriate)**

The Council operates a council sick pay scheme. Information relating the scale of payment is in the contract of employment.

#### **4.15.16 Unpaid sickness**

There are circumstances where the employee's absence due to sickness will be unpaid, eg when:

- He or she is ineligible for council sick pay
- He or she has exhausted this scheme and a decision is awaited regarding their future employment.

The employee should note that during periods of unpaid sickness he or she will receive neither any basic salary nor variable payments. Further, holidays will only accrue at a rate that is commensurate with his or her statutory entitlement under the Working Time Regulations 1998, i.e. pro rata up to a total of 28 days per annum, including public holidays.

#### **4.15.17 Return of the Council's equipment**

If the employee is off sick for an extended period of time (e.g. one month or more) the Council may require them to return Council equipment until they are well enough to return to work.

If the employee does not return to work following a period of sickness absence, they will be required to return all outstanding Council equipment on the date of termination of his or her employment

## **5. LEGISLATION**

**5.1 Employment Relations Act 1999:** gives effect to many of the measures relating to "Fairness at Work", including family-friendly rights, rights for workers to be accompanied at disciplinary and grievance hearings, part-time workers rights, enhanced trade union provisions.

**5.2 Employment Rights Act 1996:** this brings together many of the individual employment rights found amongst a number of different statutes. It repeals in their entirety the Employment Protection (Consolidation) Act 1978 and the Wages Act 1986. It requires employers to provide employees with information about their rights and entitlements and to treat them fairly.

**5.3 The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000:** provides a number of new rights to ensure that part-time workers receive no less favourable treatment than full-time workers as regards the terms of his or her contract.

**5.4 The Working Time Regulations 1998:** sets out minimum conditions relating to weekly working time, rest entitlements, annual leave and special provisions for working hours and health assessment in relation to night workers.

**5.5 Employment Act 2002:** Sets out changes to maternity, adoption and paternity leave, together with right to ask for flexible working. All in force with effect from 6 April 2003.

**5.6 Disability Discrimination Act 2005:** Places a duty on public bodies to promote equality of opportunity for disabled people. The Disability Equality Duty will come into force on 5 December 2006.

**5.7 Employment Equality (Age) Regulations 2006:** Seek to make it unlawful to discriminate against workers because of their age, in relations to all employment matters, including recruitment training and redundancies.

**5.8 Employment Equality (Religion or Belief) Regulations 2003:** Makes it unlawful to discriminate against workers because of a religion or similar belief in all facets of employment. Religion or belief is defined as being any religion, religious belief or similar philosophical or political belief unless it is similar to religious belief.

**5.9 Employment Equality Regulations 2003 (Sexual Orientation):** Makes it unlawful to discriminate against workers because of the sexual orientation in relation to all employment and vocational training including recruitment, terms and conditions, promotions, transfers, dismissals and training.

**5.10 Equal Pay Act 1970:** Makes it unlawful to discriminate between men and women in terms of their pay and conditions, where they are doing the same or similar work; work related as equivalent or work of equal value.

#### **6.0 Alterations & amendments to this policy**

This policy and procedure does not form part of employee's contractual rights. The Council reserves the right to revise the contents of this policy from time to time or withdraw it at it's absolute discretion, in accordance with the needs of the Council

#### **7.0 Additional information**

For further information, please contact a member of the Finance & General Purposes Working Party.

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