



# Leave Policy

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Next Review Date	October 2025
Reviewed By	Staffing Committee or Policy & Resources

Full review, policy streamlined (less wordy), legislation checked, updates made to the Carers Leave page 6. Addition of TOIL section on page 13.

## 1. Annual Leave

The Council takes a positive view on work/life balance issues and believes that employees should take responsibility for regularly taking annual leave to ensure their own health, safety, and wellbeing in accordance with the Working Time Directive.

Employees must give a minimum of two weeks' notice when requesting annual leave. A Leave Card will be issued to each employee and must be kept up to date and authorised by the line manager. Leave requests will not unreasonably be denied, unless there is a clear operational reason e.g. business continuity.

Employees with the same job function and/or in the same team will not usually be granted leave at the same time. Holidays will be granted on a 'first-come, first-served' basis and will be granted at the discretion of the line manager.

The annual leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March.

### Entitlement:

- 21 days paid leave, increasing to 25 days after five years of continuous local government service.
- Two additional statutory holidays per year.
- Pro-rata leave for part-time employees.
- Employees joining or leaving mid-year receive a proportionate leave entitlement.
- In the event of an employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.

### Approval

- Leave must be approved by a Line Manager with as much notice as possible (minimum of two weeks).
- Approval is subject to team workloads and coverage.

### Carry Over

- Up to five days' leave may be carried over into the next year with the line manager approval.

## 2. Bank/Public Holidays

All employees are entitled to paid bank/public holiday leave, unless stated in the contract of employment. The Council recognises the number of bank holidays during the year, although the dates of these may vary from year to year. Where there is an operational or contractual reason for working a bank holiday, time off in lieu will be given.

Entitlement:

- Eight paid bank/public holidays per year.
- Pro-rata for part-time employees.

## 3. Sickness absence

Newton Abbot Town Council is committed to minimising sickness absence while ensuring employees are treated fairly.

Notification:

- Employees must notify their Line Manager on the first day of absence.
- Self-certification is required after seven days; doctor's certificate needed beyond that.

Sick Pay:

- 1st year: 1 month full pay (2 months half pay after 6 months of service).
- 2nd year: 2 months full pay and 2 months half pay.
- 3rd year: 4 months full pay and 4 months half pay.
- 4th & 5th year: 5 months full pay and 5 months half pay.
- After 5 years: 6 months full pay and 6 months half pay.

Long-term Absence:

- May involve referrals to Occupational Health or independent assessments.

Return to Work:

- A 'Return to Work' interview will be held for all sickness-related absences.

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- For absences due to disability or stress, a risk assessment and reasonable adjustments will be made.

## 4. Compassionate Leave and Pay

Up to one week's compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes:

- Husband, wife, or partner;
- Mother or father;
- Child, including any adopted child; and
- Sister or brother

A further day may be granted for attending the funeral.

All applications for Compassionate Leave must be made to the Town Clerk for determination.

In exceptional circumstances, the Town Clerk will consider granting a maximum of a further one working week's compassionate leave. In the event the circumstances relate to the Town Clerk, they will request exceptional circumstances from the Chair of the Staffing Committee. Please see annex one for details on exceptional circumstances.

## 5. Parental Bereavement Leave with Pay

Entitlement:

- Up to two weeks' paid leave for the loss of a child or stillbirth. Under the Parental Bereavement (Leave and Pay) Act 2018, employees are entitled to two weeks' leave, paid if they meet eligibility criteria. The Council recognises the trauma associated with a bereavement and additional leave will be agreed at the discretion of the Town Clerk.
- Applies to legal parents, adoptive parents, and other significant caregivers.

## 6. Parental Leave

The Parental Leave Regulations came into force as part of the Employment Relations Act 1999. They apply to all parents (birth or adoptive) and those people with parental responsibilities and allow for them to take up to 18 weeks' unpaid leave for each child.

This leave must be taken between the child's birth or placement (in the case of adoption) and their 18th birthday.

Eligibility

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The right to take up to 18 weeks' unpaid leave is subject to the following conditions:

- The rights are acquired after one year's continuous employment with the Council and apply to both mothers and fathers.
  
- Both parents are entitled to take 18 weeks' parental leave for each child.
  
- The leave can only be taken in blocks of one week or more, up to a maximum of four weeks in one year, except where the child is disabled, in which case it may be taken one day at a time.
  
- The employee needs to give the Town Clerk at least 21 days' notice in writing to take leave.
  
- The Town Clerk may postpone the leave for a maximum of 6 months if there are sound business reasons for doing so. The Town Clerk should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.
  
- The Town Clerk should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.
  
- Employees have the right to return to their job in the same way as provided to those returning from maternity leave.
  
- Time taken as parental leave counts as continuous service.
  
- If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

## 7. Time off for dependents

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 in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is a spouse, civil partner; child, parent, 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:

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- 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 Town Clerk the reason for their absence and how long they expect to be away from work.

## 8. Carers Leave

Entitlement:

Employees are entitled to up to five days of unpaid carer's leave per year to care for dependents with long-term care needs. This includes those suffering from illness, injury, disability, or old age.

Eligibility:

- Applies to employees caring for a spouse, civil partner, child, parent, or someone living in the same household (not employees or tenants).
- The leave applies from day one of employment and is available to anyone caring for a person with a long-term physical or mental illness, disability, or age-related care needs. The dependant can be a family member or someone who relies on the employee for care.
- Employees can take this leave flexibly, in either half days or full days, up to a maximum of one week. The leave is intended for planned or foreseen care situations, such as attending medical appointments or arranging future care.
- Employees taking this leave are protected from dismissal or any detriment, similar to other family-related leave entitlements.
- Employees must give notice, but no specific evidence of the need for care is required, meaning the process is based on trust and minimal bureaucracy

Legislation: [Carer's Leave Act 2023](#)

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## 9. Public Duties

Up to five days' paid leave per year for public duties, such as serving as a magistrate or on a school governing body.

## 10. Jury Service

Paid leave is granted for jury service. Any claimable loss of earnings must be reimbursed to the Council.

## 11. Additional Leave

Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk. In the event the circumstances relate to the Town Clerk, they will request exceptional circumstances from the Chair of the Staffing Committee.

## 12. Implications of Authorised unpaid leave and industrial action for Local Government Pensionable service.

Employees granted unpaid leave under the Local Government Pension Scheme (LGPS) can buy back 'lost' pension through a Shared Cost Additional Pension Contribution (SCAPC), with the Council covering two-thirds of the cost.

The Council will contribute towards the cost, with the split being 1/3<sup>rd</sup> employee, 2/3<sup>rd</sup>s employer. If the employee wishes to buy back the 'lost' pension they must write to the Town Clerk within 30 days of their return to work indicating their decision. Details of the cost of buying back the 'lost' pension can be obtained from the Pension Scheme; please ask the Town Clerk for details.

If employees who are LGPS members are absent from work due to industrial action they will also have the option to buy back the 'lost' pension by making an Additional Pension Contribution. In order to do so they must write to the Town Clerk as above; however, there is no time limit and the entire cost will be met by the employee.

## 13. Time Off In Lieu (TOIL)

Employees may take paid time off in compensation for additional hours worked above their contracted hours.

TOIL accrues on an hour-for-hour basis, unless otherwise agreed in advance by the Town Clerk (for example, at a different rate for weekends or unsociable hours).

TOIL hours must be recorded and submitted to the relevant line manager for approval.

TOIL should be requested and approved in the same manner as annual leave, with due consideration to business needs and adequate staffing levels.

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A maximum of your weekly contracted hours of TOIL can be accrued at any one time. Once this limit is reached, employees must take time off before additional hours are worked.

Upon termination of employment, any accrued but unused TOIL will be compensated in line with the employee's hourly rate, or deducted if the employee has taken more time than accrued.

Travel time to a location outside of normal working hours will accrue TOIL. Any travel undertaken within working hours is normal working time.

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



## **Annex One: Exceptional Circumstances**

The Council recognises that there are a range of circumstances when you may need to take time away from work, but that it may not be reasonably expected for you to use annual leave or flexitime.

Leave in special circumstances is intended to provide a sympathetic response to this, and the procedure and guidance provide a framework for making and considering these requests for time off.

There are a number of reasons for which leave in special circumstances may be considered, and which are covered by this guidance. These are:

- **Reserves / Fire Brigade**  
If you are a member of HM Armed Forces Reserves, Fire Brigade you are entitled to paid leave to meet training requirements and unpaid leave if you are mobilised.
- **Compassionate circumstances**  
If you have serious personal or family problems. This includes unpaid time off to care for a dependant.
- **Domestic emergencies**  
If you suffer an unexpected domestic emergency that requires immediate attention.
- **Public and community service**  
If you serve on certain public or community bodies.

This list is not exhaustive.