



# Leave Policy

Honiton Town Council

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## 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.

Annual leave must only be taken with Line Manager approval. Employees must give as much notice as possible when requesting annual leave. Such notice should be at least twice the number of days' leave that the employee wishes to take as annual leave.

The annual leave year runs from 1 April to 31 March.

The minimum paid annual leave entitlement is 21 days, rising to 25 days after five years' continuous local government service. Employees are also entitled to two extra statutory holidays per year; the timing of these will be decided by the Council. (This is currently taken between Christmas and New Year in order for the Office to close during this period.) Those employed part-time will be entitled to leave on a pro-rata basis.

Employees who join and/or leave the Council during the annual leave year will receive a holiday entitlement proportionate to their completed service during the leave year.

In the event of the 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.

## 2 Bank/Public Holidays

All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the year, although the dates of these may vary from year to year.

Part-time employees have a pro rata entitlement to bank/public holiday leave. This is calculated with reference to the annual entitlement of a full-time employee.

## 3 Carry Over of Annual Leave

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All annual leave should be taken in the leave year during which it is accrued. In exceptional circumstances, a maximum of five days' leave can be carried over into the next leave year with the written permission of the Town Clerk.

#### **4 Compassionate Leave With Pay**

Up to 3 days' 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 seven days' compassionate leave in any one year.

#### **5 Public Duties**

Up to 5 days' leave with pay per year may be given with the permission of the Town Clerk for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

Where an allowance is claimable for loss of earnings, employees should claim and pay the allowance to the Council.

#### **6 Jury Service**

Paid leave of absence will be granted for employees undertaking jury service. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.

#### **7 Additional Leave**

Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk.

#### **8 Parental Leave**

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## 8.1 Introduction

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 for each child.

This leave must be taken between the child's birth and their fifth birthday. If the child has disabilities and is in receipt of a Disability Living Allowance 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 18<sup>th</sup> birthday, whichever is sooner.

## 8.2 Eligibility

The right to take up to 18 weeks' unpaid leave (or 18 weeks in respect of a child with disabilities) is subject to the following conditions:

- The rights are acquired after one year's continuous local government service 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 is obliged to give his or her manager at least 21 days' notice in writing to take leave.
- The manager may postpone the leave for a maximum of 6 months if there are sound business reasons for doing so. The manager should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.
- Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.
- All terms and conditions of service, with the exception of pay, remain in force during the period of leave.
- 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.

## 9 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 their line manager the reason for their absence and how long they expect to be away from work.

## 10 Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service

Under the LGPS 2014 rules, if employees who are LGPS members are granted unpaid leave of absence they will have the option to buy back the 'lost' pension by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. The Town Council will contribute towards the cost, with the split being

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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.

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# Maternity Policy

Honiton Town Council

## 1 Definitions

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth

## 2 To Whom This Policy Applies

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

## 3 Notification Requirements

An employee shall notify the Town Clerk in writing at least 28 days before her absence begins or as soon as is reasonably practical:

- That she is pregnant;
- Of the EWC, providing a copy of form MATB1 as supplied by a registered medical practitioner; and
- The date on which she intends to start her maternity leave.

An employee can change her notified start date as long as she gives 28 days' notice or as soon as is reasonably practical.

## 4 Health and Safety

On receipt of written notification from an employee that she is pregnant, the Town Clerk should carry out a risk assessment. The employee and relevant manager should be fully informed of any risks identified. The manager and employee have an ongoing responsibility to monitor any potential risks that may be present.

## 5 Ante-Natal Care

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Employees must produce evidence of appointments if requested to do so.

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## 6 Maternity Leave

### 6.1 Ordinary and Additional Maternity Leave

All women, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier. From the beginning of the fourth week before the EWC, a woman's maternity leave may be triggered if she is absent because of her pregnancy, e.g. due to a pregnancy-related illness or fatigue.

## 7 Maternity Pay

### 7.1 Less Than One Year's Continuous Service

Payments for employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA). In order to qualify for SMP, an employee must have at least 26 weeks' continuous service with the Council by the end of the fifteenth week before the EWC.

The payment of SMP is for 39 weeks.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website [www.gov.uk](http://www.gov.uk)

### 7.2 More Than One Year's Continuous Service

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:

First six weeks of absence:

The employee will be entitled to nine-tenths of a week's pay. This will be offset against payments made by way of SMP (or Maternity Allowance [MA] for employees not eligible for SMP). This means that any SMP or MA payments will not be paid in addition to the nine-tenths of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence:

**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. She will also receive SMP, if eligible to do so, and the only reason that any deduction will be made is if the combined pay and SMP (or MA

and any dependent's allowances if the employee is not eligible for SMP) exceeds her contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the authority during maternity leave is made on the understanding that the employee will return to local authority employment for a period of at least three months. In the event that she does not do so, she will be required to refund the monies paid. This may be varied at the discretion of the Council if there is good reason to do so. Payments made to the employee by way of SMP are not refundable.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (which currently ends after 39 weeks in total), where eligible. Once the SMP payments have ended any remaining maternity period will be unpaid.

**For employees not intending to return to work**, payments during their maternity leave period following the first 6 weeks will only be their entitlement to SMP (currently ending after week 39), where eligible.

## 8 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employees on any of the following will pay pension contributions based on any pensionable pay that they receive:

- Ordinary Maternity Leave, Paternity Leave or Ordinary Adoption Leave, regardless of whether these are paid or unpaid.
- Paid Additional Maternity Leave or paid Additional Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave. Further details can be obtained from the Town Clerk.

If the employee notifies the Town Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:



- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Town Clerk of this decision later than 30 days after returning from their SPL then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

## **9 Continuous Service**

The period of Ordinary Maternity Leave (OML) or Additional Maternity Leave (AML) will count as continuous service for statutory and contractual purposes.

## **10 Leave During Maternity Leave**

### **10.1 Annual Leave**

Annual leave continues to accrue during ordinary maternity leave and additional maternity leave.

### **10.2 Bank/Public Holidays**

Bank/public holidays accrue during ordinary maternity leave and additional maternity leave. Substitute days must therefore be given in addition to the annual leave accrued.

### **10.3 Carry Forward of Annual Leave**

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

### **10.4 Treatment of Leave Where a Woman Changes Her Hours after Maternity Leave**

If an employee changes their hours after taking maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

For an example of calculating this, see Appendix A.

## **11 Returning To Work**

## **11.1 Notification requirements**

Managers must assume that an employee will return after 52 weeks. An employee need only notify her employer that she is returning to work if she is going to do so before the end of her maternity leave. Otherwise, the employee simply returns at the end of her maternity leave. However, as the return to work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

## **11.2 Early return**

If an employee wishes to return early or on a different date than they had previously notified, they must give 21 days' notice.

## **11.3 Keeping In Touch**

A woman can do 10 days' work during her maternity leave, in agreement with her manager, without bringing her maternity leave to an end. Working for part of a day will count as one day. A woman will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

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