

## 1. Introduction

Honiton Town 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 Regulations.

This policy sets out the various types of leave that employees may be entitled to. These include:

- Types of General Leave:
  - Annual Leave, including carry over
  - Bank/Public Holidays
  - Public Service
  - Jury Service
  - Medical Appointments
  - Leave without Pay
  
- Types of Compassionate Leave:
  - Compassionate Leave with Pay
  - Statutory Parental Bereavement Leave
  - Statutory Bereaved Partner's Paternity Leave (please refer to separate policy)
  
- Types of Parental/ Dependants/Carer's Leave:
  - Parental Leave
  - Emergency Time Off for Dependants
  - Carer's Leave

Details regarding leave in relation to sickness can be found in the organisation's Absence Policy.

Details regarding other types of family friendly leave can be found in the organisation's maternity, paternity, adoption, neonatal care and parental bereavement paternity leave policies.

## General Leave

---

## 2. Annual Leave

## **2.1. Annual Leave Entitlement**

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

The minimum paid annual leave entitlement is 23 days, rising to 26 days after five years' continuous service.

Those employed part-time will be entitled to leave on a pro-rata basis.

## **2.2. Extra Statutory Days**

Employees are also entitled to two extra statutory holiday days per year; the timing of these will be decided by the organisation. Those employed part-time will be entitled to this leave on a pro-rata basis.

## **2.3. Office Closure**

Employees are also entitled to additional annual leave when access to the Office is closed (this is usually at Christmas when during the extended Christmas break the Beehive is closed).

## **2.4. Joining/Leaving the Organisation**

Employees who join and/or leave the organisation 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 organisation, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.

## **2.5. Annual Leave Notification Requirements**

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.

## **2.6. Carry Over of Annual Leave**

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 or otherwise at the Council's discretion.

# **3. Bank/Public Holidays**

All employees are entitled to paid bank/public holiday leave. The organisation recognises normally eight bank holidays during the calendar year, although the dates of these will vary from year to year. Bank holidays leave is in addition the Annual Leave Entitlement.

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.

## **4. 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 this. The organisation will 'top up' this amount by paying the difference between the amount of this allowance and the employee's normal contractual pay.

## **5. Jury Service**

When on jury service, employees are required to claim an allowance for loss of earnings, which is available from the court. Honiton Town Council will pay the difference between the amount of this allowance and the employee's normal contractual pay. Employees will receive a certificate of loss of earnings form along with their invitation to jury service, which the Town Clerk will arrange to complete for them in order to enable the allowance to be claimed.

Honiton Town Council undertakes to make this 'top up' payment for a period of up to four weeks. If jury service is likely to extend beyond this time, consideration will be given on a case-by-case basis whether to extend the payment for an additional period.

If the employee's absence is likely to cause substantial damage to the business then the Town Clerk will discuss this with them. The employee can, if they choose to do so, ask the court to be excused, or to have their participation deferred. They are not obliged to request this, but if they do then the Town Clerk may write a letter in support of their application.

## **6. Medical Appointments**

In general, routine medical, dental, optician or health appointments should be made outside working hours wherever possible.

Honiton Town Council appreciates that it is not always possible to avoid appointments during the working day. Where this is the case, employees should make a request to

their line manager to agree a convenient time, giving as much notice as possible. Requests will not be unreasonably refused. Employees will be required either to make up any lost time, use annual leave entitlement or take unpaid leave.

Employees who have a serious or long-term medical condition which will require appointments during their working day should discuss their situation with their manager so that appropriate arrangements may be considered.

Employees may be required to provide evidence of any appointment for which time off is needed.

## **7. Leave Without Pay**

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

## **8. Reserve Forces**

Honiton Town Council is aware that employees who are members of the Reserve Forces may be called up at any time to be used on full time operations and will be expected to attend regular training. The reserve forces include the Army Reserve, Royal Naval Reserve, Royal Marines Reserve and Royal Auxiliary Air Force.

### **8.1. Informing the Organisation**

So that the Council can support reservists, (the organisation eg Army) must ask that employees inform the Town/Parish Clerk as soon as possible that they are, or intend to become, reservists. This requirement is put in place purely to allow us to deal with the practical implications and reservists who do this will not be disadvantaged in any way.

### **8.2. Time off for activities in the reserve forces:**

Each leave year, reservists will normally be given 5 days' extra paid (at the discretion of the Council) leave to help them to meet their commitments to the reserve forces. The reservist should make the request to their line manager in the same way that normal annual leave is requested, tagging the request "Military reserve leave". While our organisation will do its best to accommodate any requests to use this extra leave, we cannot guarantee that reservists' extra leave requests will be given priority. To avoid reservists being unable to take time off when needed, they should apply for this extra leave as soon as possible after they are informed that they need to take time off.

This offer is available only to employees who provide evidence that they need to take the time off as a reservist (for example, a letter from their commanding officer) at the

time when they are booking holiday for the purpose of doing the reservist activities. The offer cannot be used for days when the reservist is not undertaking reservist activities (for example, to recover from the physical demands of a weekend away with the reserve forces).

### **8.3. Reservists' call-outs**

If an employee is 'called out', the reservist should present their mobilisation papers promptly, typically together with a letter from the Ministry of Defence to the Town Clerk, outlining the date, and possible duration, of their mobilisation.

If Honiton Town Council believes that the reservist's absence on military service is likely to do it "serious harm", it may apply for an exemption, deferral or revocation of mobilisation.

There is no requirement for the organisation to pay the reservist during their absence on military operations. During this period the reservist receives service pay from the Ministry of Defence, along with a standard award to make up any difference (up to the statutory limit) between their service pay and normal average weekly earnings.

Once the military service has ended, the reservist should write to the Town Clerk, to request reinstatement to employment. They should do so no later than the third Monday after demobilisation, confirming their intention to return to work within the following 13 weeks. The initial 13-week period may be renewed for a further 13 weeks if circumstances such as illness or injury prevent the reservist's return during the initial period. However, the reservist will forfeit their right to return to work if they fail to do so within 26 weeks of demobilisation.

Regardless of the length of the military action, the mobilised reservist has the right to be reinstated in their former job within six months of demobilisation, on terms and conditions that are no less favourable than those that would have been in place, but for the enforced absence.

If it is not reasonable and practicable to reinstate the reservist into their former employment, Honiton Town Council will offer them the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

## **Compassionate Leave**

---

### **9. 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 their:

- Husband, wife, or partner;

- Parent;
- Child, including any adopted child; and
- Sibling

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.

Where eligible, employees may also wish to consider taking a period of parental bereavement leave following the loss of a child under the age of 18. Further details can be found in the Parental Bereavement Leave section below.

Where eligible, employees may also consider taking a period of unpaid Parental Bereavement Paternity Leave. Further details can be found in the Council's Parental Bereavement Paternity Leave policy.

## **10. Statutory Parental Bereavement Leave and Pay**

Parental Bereavement Leave provides up to two weeks' leave for employees following the loss of a child who was under the age of 18 or a stillbirth after 24 weeks of pregnancy.

Where eligible, employees may also be entitled to a period of unpaid Parental Bereavement Paternity Leave. Further details can be found in the organisations Parental Bereavement Paternity Leave policy.

### **10.1. Parental Bereavement Leave Entitlement**

In order to qualify for parental bereavement leave and pay, the employee must be either:

- the child's legal parent; or
- a parent's partner, in an enduring family relationship with the child who has passed away and their parent; or
- an individual with a caring relationship to the child, such as a "parent in fact", who are defined as a person who for a continuous period of at least four weeks before the child's death has lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted); or
- the "intended parent" of a child who has passed away, i.e. a parent using a surrogate; or

- the "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- the adopter of a child who has passed away.

All employees who are eligible as above, are entitled to 2 weeks' parental leave regardless of their length of service.

The two weeks' leave can be taken either as one block or in two one-week blocks. The leave may be taken at any time within 56 weeks of the child's death.

### **10.2. Parental Bereavement Leave Notification Requirements**

If the employee wishes the leave to start within 56 weeks of the child's death, notice must be given to the Town Clerk before the day the employee wishes the leave to start, or where that is not possible as soon as is reasonably practicable.

Employees must give the Town Clerk at least one week's notice if they wish the leave to start after the 56-day period.

When giving notice the employee must specify, ideally in writing, to the Town Clerk:

- the date of the child's death,
- the date on which the employee intends the leave to start, and
- whether the period of absence is for one week or two weeks.

### **10.3. Cancellation of Parental Bereavement Leave**

If an employee has asked to begin parental bereavement leave within the first 56 days of the date of the child's death, they can cancel the parental bereavement leave, as long as they inform the Town Clerk prior to when they would have been due to start work.

If an employee has asked to begin parental bereavement leave more than 56 days after their child's death, then they can cancel their request for parental bereavement leave, as long as they inform the Town Clerk at least one week in advance.

Employees cannot cancel any week of parental bereavement leave that has already begun.

### **10.4. Parental Bereavement Pay Eligibility**

In order to qualify for parental bereavement pay employees must meet the eligibility criteria as above and also have:

- still be employed by the organisation on the day on which the child passed away;

- weekly average earnings over the lower earnings limit for National Insurance contributions in the eight weeks prior to the week before the child's death.

### **10.5. Parental Bereavement Pay Entitlement**

Parental bereavement leave will be paid at the Statutory Parental Bereavement Pay (SPBP) rate or 90 per cent of the average weekly earnings, whichever is the lower.

In order to receive parental bereavement pay, an employee must notify the Town Clerk in writing within 28 days of the start of the week's (or weeks') leave or, if that is not reasonably practicable, as soon as is reasonably practicable.

Notice must include the parent's name and the date of the child's death. Furthermore, on the first occasion leave is taken, the employee must also provide a written declaration that they meet one of the qualifying conditions in terms of their relationship with the child.

Parental bereavement leave for employees who are not eligible for parental bereavement pay will be unpaid.

### **10.6. Continuous Service**

Parental Bereavement Leave counts for the purpose of continuous service.

### **10.7. Returning to Work Following Parental Bereavement Leave**

Employees have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

Employees are entitled to return to an alternative job that is suitable and appropriate, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to other statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child; and
- it is not reasonably practicable for them to return to the same job.

## **Parental Leave, Emergency Time Off Dependants and Carers Leave Options**

---

### **11. Ordinary Parental Leave**

#### **11.1. Introduction**

Ordinary parental leave applies to all parents (birth or adoptive) and those people with parental responsibilities. It allows for them to take up to a total of 18 weeks' unpaid leave for each child, using a maximum of 4 weeks per year per child. Each parent and person with parental responsibility are entitled to take this leave.

Ordinary parental leave may be particularly useful if you require time off to care for your child but have used up, or are not entitled to, other types of family-friendly leave.

Employees who are considering taking ordinary parental leave following the birth of a child or the placement of the child for adoption, should bear in mind that they may also be entitled to paid maternity / paternity / adoption / shared parental leave. Further information can be found in the organisations relevant policies.

## **11.2. Eligibility and notification**

Ordinary parental leave is a day-one right; therefore, employees do not require any qualifying service.

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

- The employee must provide evidence of parenthood or parental responsibility where requested i.e. a birth certificate or adoption papers.
- The employee must give the Town Clerk at least 21 days' notice in writing to take leave. The notice must specify the dates on which the period of leave is to begin and end.
- Where an employee requests parental leave to begin when their child is born, their notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice to the Town Clerk at least 21 days before the expected week of childbirth. If the child is born earlier/later than expected, the employee should agree any changes to the start of the leave with the Town Clerk.
- Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to the Town Clerk at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of ordinary parental leave requested.
- The employee can only take leave in blocks of one or more weeks except where the child is disabled, in which case it may be taken one day at a time.

- The employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

The manager may postpone the leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) 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.

If an employee falls ill during ordinary parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.

### **11.3. Continuous Service**

Ordinary parental leave counts for the purpose of continuous service.

### **11.4. Returning to work following parental leave**

An employee who returns to work after a period of ordinary parental leave is entitled to return to the job in which they were employed prior to the absence if it was an isolated period of leave lasting four weeks or less.

If the period of ordinary parental leave followed on immediately from another period of statutory leave, the employee's right to return depends on the total length of leave taken.

## **12. Emergency Time Off for Dependants**

All employees have a day-one right to take a reasonable amount of unpaid time off work to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

- A spouse, civil partner, child or parent;
- A person who lives with the employee (other than as a lodger, tenant, boarder or employee);
- Any other person who would reasonably rely on the employee for assistance if they fell ill or were 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.

### **12.1. Pay During Emergency Time Off for a Dependant**

This leave is unpaid. All employment rights, including accrual of annual leave, continue during the period of leave.

### **12.2. Pension During Emergency Time Off for a Dependant**

Employees who are members of the Local Government Pension Scheme may 'buy back' pension lost during authorised unpaid leave, as set out in this policy. See the section entitled 'Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service.'

## **13. Carer's Leave**

### **13.1. Carers Leave Entitlement**

All employees have a day-one entitlement to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

A dependant is:

- a spouse, civil partner, child or parent;
- A person who lives with the employee (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on you to provide or arrange care.

### **13.2. Pay During Carer's Leave**

Carer's leave is unpaid. All employment rights, including accrual of annual leave, continue during the period of leave.

### **13.3. How Long Employees Can Take**

Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

### **13.4. How to Take Carer's Leave**

Employees need to give their employer notice before they want their leave to start.

If the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.

The notice period needs to be in full days, even if the request includes half day amounts.

Any request should be addressed to the Town Clerk.

Employees do not need to give evidence of their dependant's care needs.

### **13.5. When the Organisation Can Delay Carer's Leave**

If the absence would cause serious disruption to the organisation, the employee can be asked to take the leave at a different time.

If they delay it, the employer must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

### **13.6. Pension During Carer's Leave**

Employees who are members of the Local Government Pension Scheme may 'buy back' pension lost during authorised unpaid leave, as set out in this policy. See the section entitled 'Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service'

## **14. Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service**

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

Relevant child-related leave in the Local Government Pension Scheme means:

- ordinary maternity or adoption leave – normally the first 26 weeks
- paid additional maternity or adoption leave – normally week 27 to week 39
- paid shared parental leave
- paternity leave
- paid parental bereavement leave and
- paid neonatal care leave

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

Assumed Pensionable Pay does not apply during:

- **unpaid** additional maternity/adoption leave (normally from week 40 – 52)
- **unpaid** shared parental leave
- **unpaid** parental bereavement leave
- **unpaid** neonatal care leave
- **unpaid** carers leave
- parental leave, which is always **unpaid**
- bereaved partner's paternity leave, which is always **unpaid**

These unpaid periods of leave will not count for pension purposes unless the employee pays extra pension contributions to buy the pension they have 'lost'. The extra contributions are known as Additional Pension Contributions or APCs. If an employee elects to pay APCs to buy 'lost' pension, they must notify the Town Clerk of this in writing. If they do so within 30 days of returning to work, the cost will be split between the employee and employer.

If you are away from work for a day or more due to industrial action the period will not count for pension purposes unless you elect to pay Additional Pension Contributions to purchase the 'lost' pension. The cost of purchasing the 'lost' pension would be met fully by you unless your employer voluntarily chooses to contribute.

Employees can use the 'Buy Lost Pension Calculator' on the LGPS Member website to find out more about this option. To do so, they would need some information about the amount of pay 'lost' in the unpaid period. This can be requested from the Town Clerk.