

STREET PARISH COUNCIL

Annual and Special Leave Policy

Adopted: PROPOSED BY STAFFING CTTEE 14TH JANUARY 2025 FOR CONSIDERATION OF APPROVAL BY POLICY & FINANCE COMMITTEE on 4 FEBRUARY 2025

Next Review: February 2027

Document Approved	Date
Policy & Finance Committee	4 February 2025

Reviewed By	Major Changes	Date of Review

1. Annual leave entitlement

2. Working part-time

3. Variable hours workers

4. Leave year

5. Carrying over leave

6. Requesting leave

7. Sickness during leave

8. Payment of annual leave

9. Payment in lieu

10. Special Leave

1. Annual leave entitlement

Your paid leave entitlement is set out in your contract of employment. The basic leave entitlement for a full-time staff member is 25 days per annum in addition to 8 Bank holidays. Part-time employees receive a pro-rated entitlement according to their hours of work. It is also the policy of the Council to recognise long service and career progression, therefore after five years continuous service, employees are granted an additional three days annual leave. This will be awarded pro rata during the leave year in which the employee achieves their five years continuous service.

Normally not more than ten days leave may be taken consecutively. Leave of more than ten days requires sanction from the Staffing Committee. A written request should be submitted to the Parish Clerk, or in the case of the Parish Clerk, to the Chair and the Chair of the Staffing Committee.

Normally one member of staff may take leave at any time.

2. Working part-time

If your entitlement to Bank Holidays exceeds the number of days that fall on your normal working days (typically because you don't work on Mondays), you will be able to take the excess as leave. If your entitlement to Bank Holidays is less than the number of Bank Holidays that fall on your normal working days (typically because your normal working days include Mondays), then you can make up the difference by using your leave entitlement. With agreement from the clerk (or the council in the case of the clerk), you may be able to work additional hours to make up the deficit or take unpaid leave.

3. Variable hours workers

Statutory minimum holiday entitlement is based on 5.6 weeks of holiday per holiday year, including bank and public holidays. Any holiday entitlement over and above 5.6 weeks will be pro-rated based on hours, days, and weeks worked. Where variable hours are worked, the actual weekly holiday entitlement will be calculated on a pro-rata basis depending on the average number of hours worked per week, over a 52-week reference period, excluding any weeks when no work has been undertaken.

4. Leave year

The leave year runs from 1st April to 31st March. It is your responsibility to manage your leave in such a way that you can take it all during the leave year. Your annual leave entitlement will be pro-rated in your first and last year of employment with the council.

5. Carrying over 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 Parish Clerk. In addition to this in the very rare circumstances of a booked and agreed period of leave being cancelled at the council's request, these days may be carried over at the council's discretion.

6. Requesting leave

You should request leave from the Clerk (or the council in the case of the Clerk), with as much notice as possible. This will allow the council to plan workloads. Before granting leave we will consider:

- The team's workload,
- The need for office or team cover, and,
- Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time).

The Clerk/Council will balance your needs against the needs of other staff before agreeing to leave. If you take leave without such permission, it will be treated as an unauthorised absence and dealt with under the Disciplinary Procedure.

7. Sickness during leave

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Clerk (or the Council in the case of the Clerk), on the first day of sickness and keep the council up to date during the period of sickness.

8. Payment of annual leave

Holiday pay is calculated based on your current rate of pay. Where you work variable hours or if you receive commission payments/overtime/travelling-time allowance, then a day's pay will be calculated on the average pay in the previous 52 weeks. The council does not offer payment in lieu of leave entitlement unless you are leaving the council and have not taken leave entitlement that you have accrued at the time of leaving.

9. Payment in lieu

The council does not offer payment in lieu of leave entitlement unless you are leaving the council and have not taken leave entitlement that you have accrued at the time of leaving.

If you leave during a leave year and cannot take any outstanding accrued leave before your last day, you will receive a payment in lieu of any outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay including any regular overtime.

If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your salary payments for an amount at your basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

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

10. Special Leave Policy & Procedure

Street Parish Council recognises that there will be occasions when staff will require leave of absence that is not covered by either the Annual Leave or the Sickness policies. Maternity, Paternity, Parental leave, and Time off for Dependents will obviously be granted subject to the employee satisfying the qualification requirements. The Council will be sympathetic to any other requests and will wherever possible, allow the requested leave to be taken, either paid or unpaid, dependent on the circumstances. However, the needs of the Council will also be taken into consideration.

Procedure

Special Leave for personal, family, medical or business reasons will be considered, and the amount of leave granted will normally be as indicated. However, the Clerk and Chair of Staffing/Chair have the discretion to amend the period of leave after due consideration of the circumstances.

Special Leave requests to be approved by line manager/Chair of Staffing and time granted documented in the personal file.

REASON FOR REQUEST	LEAVE CONSIDERED
Scheduled hospital appointment	Leave with pay, provided evidence of appointment shown when request made
Emergency Hospital, Doctor or Dental appointment	Leave with pay for initial appointment, further appointments under sickness policy
Normal Doctor or Dental appointments	Preferably outside working hours, if not possible, then leave with pay provided evidence of appointment shown when request made
Accompanying close relatives to hospital appointments	Up to 2 working days leave with pay, dependent on the closeness of the relationship
Assuming essential care duties when primary carer is incapacitated	Up to 5 working days in any 12-month period
Death of partner, child (natural, adoptive, or foster) parent	Up to 5 working days with pay
Death of grandparent, partner's parent, own or partners siblings, partner's grandparent, aunt, uncle, niece, or nephew	Up to 2 working days with pay
Standing as a candidate at a Local Authority Election	Leave without pay, except for paid leave on Polling Day
Standing as a candidate for Parliament	1 week paid leave and 1-week unpaid leave during election period
Membership of a Local Authority	18 days leave with pay in any calendar year regardless of number of appointments. Loss of earnings to be repaid to Council
Serving as a Government appointed member of a committee or tribunal	10 days paid leave, allowances to be repaid to Council
Jury Service or attendance at Court as a witness	Leave with pay, loss of earnings to be repaid to Council

REASON FOR REQUEST	LEAVE CONSIDERED
Attendance at Court on behalf of Council as a Defendant/Plaintiff	Paid leave
Serving as a Magistrate or Justice of the Peace	Paid leave of 18 days (or 36 1/2 days) in any 12-month period
Attendance as a School Governor	Paid leave
Serving as a member of the Non-Regular Forces	1 week paid leave plus 1-week unpaid leave
Retainer member of any of the Emergency Services	Paid leave for emergency call out. Paid leave for up to 5 days per year for essential training subject to confirmation from the appropriate Service
Household emergency e.g., fire, flood, burglary	1 day paid leave, for review

Time off For Dependents' Procedure

As an employee of Street Parish Council, you have the right to unpaid time off work to deal with an emergency involving a "dependent" This could be:

- Husband, wife, child, parent, or anyone living in your household as a member of your family
- Someone who relies on your help in an emergency, e.g., an elderly neighbour living alone

What is an Emergency?

An emergency could be any unexpected or sudden problem involving someone who is dependent on you for care, for example:

- If a childminder or nurse fails to turn up as agreed, or a school or nursery has to unexpectedly close early
- If your child is injured or taken ill at school

How Much Time Can You Take?

There is no set time limit; each case would be considered on the individual circumstances and would normally be for a few hours. This would enable the problem to be solved, and arrangements put in place for the future. Time off is for emergencies only and not for long term care of a dependent.

Process

- Advise your line manager immediately and request the time off, this request must be authorised by the Clerk or the Chair or Chair of Staffing in the case of the Clerk.
- Advise your line manager how much time you require and when you will return to your duties
- A record of the dates and times will be kept in the personal file

Notes

1. Annual leave entitlement

The statutory minimum leave entitlement for full-time workers is 5.6 weeks (20 days in addition to 8 Bank Holidays). This should be pro-rated for part-time workers. If your clerk works three full days a week, their entitlement will be 3/5ths of the full-time entitlement (i.e. 12 days leave in addition to 4.8 days Bank Holidays).

Street Parish Council's current annual leave entitlement per annum is 25 working days. This will increase to 28 working days after 5 years' continuous service.

In addition to annual leave entitlement, employees will be entitled to paid time off for public holidays. If service needs require you to work on holidays you will be given time off in lieu.

2. Green Book terms

As the council has adopted Green Book terms and conditions of employment:

- Employees are entitled to two days statutory leave
- From 1 April 2023 leave for all employees is 23 days (pro-rata for part-time workers)
- After five years of continuous service the entitlement increases by an additional three days. It is recommended that staff are written to, to confirm with them their revised annual leave entitlement from 1 April.

Public and Extra Statutory Holidays

Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:

- Time worked less than half the normal working hours on that day — half day
- Time worked more than half the normal Working hours on that day — full day

3. Carrying over leave

It is important that staff take their statutory annual leave to ensure the council complies with working time legislation. The council has a responsibility to support staff to take their annual leave.

Where it has not been possible to take all your leave in the current leave year, and only with prior consent from the clerk (or the council in the case of the clerk), you will be permitted to carry forward up to 5 days leave. This must be taken within the first three months of the new leave year.

4. Rolled-up holiday pay

It is not permissible to "roll-up" holiday pay into basic pay, i.e. pay an employee a higher hourly, daily or weekly wage, part of which is designated as holiday pay, with the result that, when the employee goes on leave, they receive no pay.

5. Religious festivals

Refusal of annual leave on a day that has religious significance for a particular employee may amount to indirect discrimination under legislation.

6. Special Leave

At the discretion of the council.