



# **Surrey Heath Borough Council Human Resources**

## **Leave and Special Leave Policy and Procedure**



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## **Policy and Procedure for Leave and Special Leave**

### **1 Introduction**

Surrey Heath Borough Council is committed to ensuring that employees are able to achieve a balance between the demands of work and their domestic, personal, public duties and circumstances in order to maintain work performance.

### **2 Scope**

This procedure applies to all employees at the Council. This policy and procedure should be read in conjunction with the following policies and all other relevant policies will apply:

- Overtime Policy
- Disciplinary Policy and -Procedure
- Grievance Policy and Procedure
- Flexible Working Policy and Procedure

### **3 Policy Statement**

The purpose of this policy and procedure is to provide guidance when dealing with requests for leave and special leave. Information on hours worked and overtime working can be found in the Terms and Conditions.

### **4 Equality Assessment Policy**

The Council's Equality Scheme demonstrates its commitment to equality internally and externally and ensures that all sections of the community are given an opportunity to contribute to the wellbeing of the community. An equality impact assessment has been carried out on this Policy and Procedure.

The Council ensures that consultation is representative of the community and that consideration is given on how to consult hard to reach groups and will positively learn from responses.

### **5 Principle and Aims**

The purpose of this policy and procedure is to provide for the entitlement for annual leave and domestic emergencies as well as planned special leave such as public duties.

## 6 Leave Provision

### 6.1 Holidays

The basic annual paid leave entitlement is as follows:

GRADE	LEAVE ENTITLEMENT (Days)	LEAVE ENTITLEMENT (Hours)
SH 33	26	192.4
SH 32,31,10,9,8 and 7	25	185
SH4,5 and 6	24	177.6
SH1,2 and 3	23	170.2

-One day leave entitlement is based on full time equivalent of 7 hrs 24 mins (7.4 hrs)

6.2 Bank holidays and company holidays are included in addition to the annual leave entitlement. The total leave entitlement inclusive of bank holidays and company holidays will be displayed on iTrent.

6.3 For employees who work part time hours or have a flexible working arrangement, hours deducted for each holiday booked will reflect the hours they work on the day booked. HR will continue to monitor how iTrent calculates leave entitlement but if any employees have any questions they are to approach the HR Team.

Bank holiday entitlement will reflect the number of hours that would have normally been worked on that day.

6.42 The leave year runs from 1 April to 31 March. Actual periods of leave must be authorised in advance by the Strategic Director/Head of Service or the appropriate line manager. Leave will be granted on a first come, first served basis, taking into account the requirements of the service and the need to maintain continuous cover.

6.53 In addition and subject to similar approval, an employee may carry forward up to a maximum of 5 days 37 hours (pro-rata for part time staff) annual leave entitlement from one leave year to the next, up to a cumulative maximum of 20 days to facilitate, for example, an extended trip abroad, additional programmed study leave, or sabbatical purposes. Employees can continue to accrue each year, up to a cumulative maximum of 148 hours (pro-rata for part time staff) to facilitate, for example, an extended trip abroad, additional programmed study leave, or sabbatical purposes.

6.64 In addition to the basic annual paid leave entitlement and the statutory public holidays, the Council also grants an additional day's holiday which is customarily attached to the Christmas holiday.

6.75 Newly appointed employees will be entitled to annual leave proportionate to the completed months of service during the leave year of entry as indicated below, rounded to the nearest half day and thereafter on the normal scale.

Month of Entry	Completed months of service by the end of March, "Year A"	Leave entitlement during leave year ending 31 March in "Year B"
Year "A" March	More than 12	Full
April	11	11/12ths
May	10	10/12ths
June	9	9/12ths
July	8	8/12ths
August	7	7/12ths
September	6	6/12ths
October	5	5/12ths
November	4	4/12ths
December	3	3/12ths
Year "B" January	2	2/12ths
February	1	1/12ths
March	0	Nil

6.86 Following five years continuous local authority or other associated service, employees will become eligible for an additional 5 days annual leave. The additional 5 days will be credited on a pro-rata basis for that leave year to 31 March. This will be calculated as follows:

Month of Entry	Completed months of service by the end of March	Additional leave entitlement in days
April	11	4.5
May	10	4.0
June	9	4.0
July	8	3.5
August	7	3.0
September	6	2.5
October	5	2.0
November	4	1.5
December	3	1.0
January	2	1.0
February	1	0.5
March	0	0

The full additional entitlement of 5 days will apply for the following leave year.

6.97 Where an employee leaves the employment of this Council and continues in local authority or associated service, they may be entitled to transfer their total annual leave entitlement. Where an employee is leaving the employment of this Council and is unable to transfer their annual leave entitlement they will be required to repay any leave taken beyond their proportional entitlement and this will be deducted at source from their final salary payment. Where an employee intends to leave the employment of this Council and will be unable to take or transfer their proportional leave entitlement, due to work commitments, then

they may receive payment for the untaken leave up to their proportional entitlement.

## 7 Flexible Working Hours Scheme

### 7.1 Flexible Working Hours

Flexible Working Hours (FLEXITIME) is a method by which employees are able to have a measure of personal control over when they work their prescribed hours. The Scheme is based on the following principles:

- That there shall be no increase in staffing levels as a result of the Flexible Working Hours Scheme.
- That there shall be no reduction in the level of services provided.

7.2 This scheme applies to all part time and full time salaried employees of the Council with the following exceptions:

- CMT Members
- Officers working fixed hours
- Employees, whose pattern of working hours would, in the view of their Strategic Director/Heads of Service, make Flexible Working Hours impracticable.

Please refer to the Flexi Time Policy for further information.

### 7.3

<b>Bandwidth</b> (Total time which the scheme will operate each day)	Monday to Friday	08.00 hrs to 18.00 hrs
<b>Core Time</b> (The time when all employees will be at work each day)	Monday to Thursday Friday	10.00 hrs to 16.00 hrs 10.00 hrs to 15.30 hrs (A lunch break of at least half an hour but not exceeding 2 hours to be taken between 12.00 and 14.30 hours)
<b>Cover Time</b> (This is the time when offices must be staffed).	<u>Strategic Directors/</u> <u>Heads of Services</u> will, following consultation with their employees, designate the employees concerned, the number of staff required to be present, and the actual Cover Times involved, but such Cover Time shall not exceed: Monday to Thursday Friday	08:30 hrs to 17:00 hrs 08:30 hrs to 16.30 hrs
<b>Flexible Time</b> (Subject to the foregoing, the	Start: Monday to Friday	08:00 hrs to 10.00 hrs

times employees will be free to choose their starting and finishing times)	Finish: Monday to Thursday	16.00 hrs to 18.00 hrs
	Friday	15:30 hrs to 18:00 hrs

### 7.38 Overtime

Flexible Working Hours should minimise the need for overtime working, as urgent matters or peak loads will normally be dealt with by the adjustment of hours within the flexible arrangements.

However, subject to the prior authority of the appropriate [Strategic Director](#)/Head of Service, any necessary overtime outside bandwidth will either be paid for in accordance with Council policies as adopted from time to time, or will be treated as additional carry-forward credit on a one hour for one hour basis. Where employees such as Committee Administrators regularly work outside bandwidth and such hours are treated as additional carry-forward credit, their [Strategic Director](#)/Head of Service may agree to such credits being used to facilitate time off over and above the normal flexi-leave limits.

### 7.49 Recording of Absence

Absence for a full day will be recorded as 7 hours 24 minutes and for a half day as 3 hours 42 minutes for staff contracted to a 37 hour working week. In addition to statutory leave, annual leave and sickness absence, this arrangement will also be used to cover other periods of absence specifically authorised by the appropriate [Strategic Director](#)/Head of Service.

### 7.540 Termination of Service

During the period of notice an employee may continue to work flexible hours but subject only to the contractual hours being worked, plus or minus any carried-forward balances, being taken into account. Any accrued flexible hours must be taken prior to the last day of employment, no payment will be made for any flexi hours not taken.

### 7.644 Abuse of the policy

7.644.1 The success of the Flexible Working Hours Scheme depends upon the close co-operation of all concerned and an attitude of responsibility being displayed by everyone.

7.644.2 Any abuse of the Scheme will be considered under the Disciplinary Procedure.

### 7.742 Interpretation

Whilst it is hoped that generally any problems that arise over the operation of the Scheme will be resolved at [Strategic Director](#)/Head of Service Level, ~~t~~the [Strategic Director](#) of Transformation should be consulted if a matter affects or could affect more than one Service, for example, a major transport disruption affecting a number of employees. [Strategic Directors](#)/Heads of Service will retain authority to exercise their discretion in relation to individual difficulties. If

any employee believes that they are not being fairly treated under the Scheme, they may, if they so wish, invoke the Grievance procedure.

For those employees who are not contracted to a 37 hour week, but who are entitled to work flexible hours, further guidance and advice is available from Human Resources.

## 8 Special Leave

### 8.1 Compassionate Leave

Additional leave may be granted in special circumstances. In the event of the death of a member of the employee's immediate family, the employee may contact their line manager to request compassionate leave. Requests for compassionate leave will also be considered in the case of serious illness of immediate family members.

Compassionate leave may be granted as detailed below:

Reason for absence	Maximum entitlement
Death of a member of immediate family – for example partner, parent, child, brother, sister. <u>Each request for absence will be reviewed with their manager in line with the employee's personal circumstances.</u>	Up to 5 days with pay. Additional leave may be granted in certain circumstances after consultation with the <u>Line manager and Head of HR Performance and Communications Strategic Director – Transformation.</u>
Funeral of a member of immediate family – for example partner, parent, child, brother, sister.	1 day with pay for a funeral. <u>1 day of unpaid leave to attend a friend's funeral</u>
Serious illness of member of immediate family if supported by medical certificate including partner, parent, child, brother, sister	Up to 2 days with pay. Additional leave may be granted in certain circumstances after consultation with the <u>Head of HR Performance and Communications Executive Head Strategic Director – Transformation.</u>

#### 8.1.1 Parental Bereavement Leave

In the event of the death of a child, if they die under the age of 18 or are stillborn after 24 weeks of pregnancy, all employees have the right to up to two weeks of Parental Bereavement Leave, regardless of their length of service.

Parental Bereavement Leave can be taken in a single block of two weeks or two separate blocks of one week, within 56 weeks of the death of a child.

Employees with at least 26 weeks' continuous employment are eligible for two weeks of Parental Bereavement Pay. For further information, please contact Human Resources.

### 8.2 Leave for Examinations

Subject to Section 5 of the Post Entry Training Scheme, leave of absence of a day without loss of salary is to be granted to employees for the purpose of sitting for examinations where such study has previously been approved. No further paid leave will be provided after a second attempt at sitting the exam. In addition, leave of absence of a day without loss of salary is to be granted to employees for the purpose of preparing for each examination. If you require further clarification please contact HR.

### 8.3 Military service in Non-Regular Forces

[Please refer to the Council's Reservist Policy here.](#)

### 8.4 Jury Service and Attendance at Court

An employee receiving a summons to serve on a jury must provide a copy of the court summons to their line manager or ~~Executive Head~~[Strategic Director](#)/Head of Service when requesting time off to attend. The line manager or ~~Executive Head~~[Strategic Director](#)/Head of Service shall grant leave of absence unless exemption is secured. An employee serving as a juror must claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowance Regulations currently in force. The employee will then be required to pay the Council an amount equal to the allowance received, excluding expenses.

If an employee is required to attend at court as a witness on behalf of another party where loss of earnings and travelling/~~substitute~~ [subsistence](#) can be claimed from public funds, the claim should be made from the Court and the ~~Executive Head~~[Strategic Director of Transformation](#)[Head of Human Resources, Performance and Communications](#) should be notified of the amount as soon as possible. Claims for travelling/subsistence allowances should be claimed from the court.

### 8.5 Time off for dependents

8.5.1 Employees have the right to reasonable **unpaid time** off work to deal with emergencies involving a dependent. A dependent could be a spouse, partner, child, parent, or someone who depends on an employee for care or assistance. An example of such emergencies include:

- a breakdown in childcare
- if a dependent falls ill or is taken into hospital
- in consequence of the death of a dependant
- to put longer term care in place for children or elderly relatives
- to deal with an incident that involves a dependent child and occurs unexpectedly while the child is at school/other educational establishment

8.5.2 There is no set amount of time allowed to deal with an unexpected emergency involving a dependent. The right to time off does not apply if the employee knows about the event in advance. For example, commitments arising from known school holidays are not a justification for time off as an emergency.

The employee must inform their line manager of the reason for ~~his/her~~[their](#) absence and how long ~~they he/she~~ expects to be absent as soon as is



reasonably practicable. Time off work under this right is envisaged as being no more than one or two days in most cases.

If agreed by both the individual and the service, staff with sufficient annual leave, may take annual leave as opposed to unpaid leave to care for a dependent.

Please contact HR regarding any other circumstances involving taking time off for dependants.

#### **8.6 Garden Leave**

The Council may, at its sole discretion in response to circumstances arising, require that any employee should not attend their normal place of work while remaining available to the Council and receiving their full normal pay and entitlements, for a period to be determined. This ~~is will be~~ known as Garden Leave. The decision to place an employee on Garden Leave would be made by the Head of HR, Performance and Communications and the CEO.

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#### **8.7 Trade Union Activities/Joint Staff Consultative Group (See Section 9 of T&C's)**

Employees have the right to join, or not to join, a trade union. If an employee joins a trade union they have a right to participate in its activities. The officially appointed representative of the local branch of Unison will be granted paid leave of absence to enable their attendance at the Union's Annual Conference and reasonable time to fulfil union activities as approved by the ~~Executive Head~~ Strategic Director of Transformation.

#### **8.8 Special leave to undertake public duties**

Employees are allowed reasonable paid time off for public duties if they are:

- a magistrate, sometimes known as a justice of the peace
- a local councillor
- a school governor
- a member of a police authority
- a member of any statutory tribunal (e.g. an Employment Tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a school council or board in Scotland
- a member of the General Teaching Councils for England and Wales
- a member of the Environment Agency or the Scottish Environment Protection agency
- in England and Wales, a member of the prison independent monitoring boards or in Scotland, a member of the prison visiting committees
- a member of Scottish Water or a Water Customer Consultation Panel

Applications for special leave for public duties should be made to the Strategic Director/Head of Service. Whether time off is classed as 'reasonable' will depend on:

- the employees duties
- the time required to carry them out

- the impact on the employer's business

The employee should provide evidence of their attendance or involvement at specific events. Line managers should inform the [Head of HR Performance and Communications Strategic Director of Transformation](#) of all leave granted within the scope of this policy for personal records.

There may be circumstances where other special leave may be required. Requests should be made to line managers who will consult with the ~~Executive Head Strategic Director of Transformation~~ [Head of HR performance and Communications](#).

This policy is available in large print if requested.

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~~† This policy will be updated to reflect the new Parental Bereavement Leave and Pay Act which is expected to come into force in 2020.~~