



**People Policies**

# Leave Policy





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# Policy

## Purpose of the policy

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The leave policy provides an over-arching framework for dealing with a variety of leave and absence situations and aims to ensure fair and consistent treatment of employees on such matters. The principles behind the policy are:

- Clarity on the entitlement and responsibilities of the employee, the manager and the trade union representative (where relevant)
- To direct employees and managers to relevant policies where detailed information on a specific circumstance is available
- There are numerous types of leave and different processes may apply.

## Employee's responsibilities

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- Raise leave request with their manager and to provide reasonable notice where appropriate.
- Be aware of different leave arrangements and follow the relevant process.

## Manager's responsibilities

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- Responsible for the application of this policy in your work area.
- Needs to be aware of the policy and the various causes of absence.
- Understand how to apply this policy and do so consistently.
- Input periods of unauthorised absence using the Absence Module within iTrent by selecting 'Absence Class' as 'Unpaid Non-Sickness Absence' and then enter Start and End Dates. In addition to the dates you must always enter the actual working hours lost for any staff member who is not a teacher. The deduction is made from the next payroll run.
- The manager is responsible for the application of this policy in their work area.

## Trade union representative's role

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- To support and advise members.
- Be aware of the application of this policy to the various types of leave.



# Authorised absence

## Annual leave year

With the exception of teaching staff, an employee's leave year will run from 1st April in one year to 31st March in the next.

When leave is taken it must be agreed between the employee and their manager. A minimum of 28 days (including public holidays) pro-rata for part-time employees must be taken in each leave year.

## Annual leave entitlements

Employee Group	Annual Leave (working days) *based on 37 hours per week	Annual Leave (working days) after 5 year's service *based on 37 hours per week	Public Holidays
JNC for Chief Executive's, JNC for Chief Officers	222 hours (30)	222 hours (30)	59.2 hours (8)
Single Status (Green Book), Craft Workers, Soulbury, Print Workers, Registration Officers, Occupational Health Managers and Nurses	177.6 hours (24)	214.6 hours (29)	59.2 hours (8)
Youth Workers	222 hours (30)	259 hours (35)	81.4 hours (11)
Teachers, Coroner	As national agreement	As national agreement	As national agreement

The number of hours for each day of annual leave will be the number of hours for that day(s) as defined by the employee's weekly working pattern.

## Additional leave

Additional leave, with or without pay and other benefits, may be granted in special circumstances with the authorisation of a 4th tier manager or above. The employee must put their request in writing to their manager, who will consult with HR prior to seeking authorisation before agreeing or not. Extended leave without pay, for example a career break, constitutes a temporary alteration to the contract of employment. It is important to be clear about what the issues are that

are concerning you and how you would like them resolved (the remedy).

## Adoptive leave

Employees adopting children up to the age of 18 may take adoptive leave. The entitlement is 39 weeks paid and 13 weeks unpaid leave. See the **Maternity and Caring Employee Scheme** for more details.

## Appointments (e.g. doctor, dentist)

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Where the flexi-time agreement does apply, any personal appointments should, wherever possible, be made outside the core hours of work. If the appointment falls within the core time, an appropriate deduction of hours will be made unless it is associated with NHS screenings (for example breast cancer examination), pregnancy or is related to a disability.

An employee who is not subject to the flexitime agreement and who wishes to be released from work during their normal working day for a routine appointment can request such time off. The manager should endeavour to meet the request and come to an agreement with the employee about making up the necessary hours, unless it is associated with NHS screenings (for example breast cancer examination), pregnancy or is related to a disability.

## Adverse weather absence

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The council has a duty to maintain service provision during periods of adverse weather. In particular, critical services have to be maintained during these periods. If you work in a critical service area, a business continuity plan will be in place. You can find out if you work in a critical service area by looking at the **Critical Service list**.

In the event of adverse weather conditions making travel more difficult, employees must make reasonable efforts to get to work, but without compromising their safety.

If this is not possible, employees must contact their line manager (or other responsible person in the manager's absence) at the beginning of each working day or shift to:

- the fact that they are unable to get to work
- discuss options to work from a different location
- if appropriate, agree to work from home if access to suitable and appropriate systems of work (this will usually only apply to staff who already have full remote access to the council's IT network) is available.

In the event that alternative working arrangements (outlined above) are not possible, line managers should discuss and confirm with the employee how the

absence will be recorded, i.e. as paid holiday (if insufficient leave in the current year remains, the following years entitlement may be used and must be recorded in writing to prevent misunderstandings at a later date), or

- as unpaid leave, as unpaid leave, or
- as flexi-time off or
- for employees who are not covered by the flexi scheme, by agreeing to make up the lost time through working additional hours for an agreed period.

Disabled employees who have confirmed that they are unable to get to their normal place of work and are unable to work elsewhere because of their impairment (e.g. limited mobility, visual impairment) are allowed paid time off, without losing leave. Line managers should seek further advice from HR if they have any queries.

Employees arriving late for work with a genuine and reasonable explanation that is acceptable to management will not need to make-up the lost time.

Employees can only be permitted to leave early if there is a genuine need on the basis of their personal safety. Managers must consider whether services will be critically compromised by reduced staffing levels. Where an employee is allowed to leave early, any time lost will not need to be made up.

## Annual Leave Top-Up scheme

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The scheme operates by allowing employees to buy (with their manager's agreement) up to an additional 20 days (148 hours) leave per year.

The employee pays for the additional annual leave purchased over a 12 month period. Because of the nature of the payroll deductions, employees must specify the number of hours they wish to purchase.

For further details look at the **Annual Leave Top-Up Scheme** on the Source.

## Career Break

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Should an employee wish to take a career break or short term unpaid leave in the first instance they should discuss their requirements with their manager. For requesting periods of four weeks or less they should complete a leave request form (also used for requesting annual and flexi leave) and submit this to their manager for consideration. For longer periods they should refer to the **Flexible Working policy**.

## Carried-over leave

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Employees may carry over up to 5 days of untaken annual leave (pro-rata for part-time employees) unless they have been furloughed at any point since March 2020, in which case they may not carry over any leave.

Colleagues who have been working in critical roles dealing with our response to COVID-19, or whose job has been significantly impacted by knock-on effects created by the pandemic and have been unable to take all of their leave, may carry over up to 10 days of untaken annual leave (pro rata for part-time employees) in 2021 and 2022.

Payment for untaken annual leave will only be made where employment is ending.

Leave purchased via the **Annual Leave Top-up Scheme** may not be carried over from one leave year to the next.

## Compassionate leave

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The line manager has the discretion to grant up to three days paid compassionate leave (for example cases of prolonged illness or death of a member of an employee's close family or dependent friends). If there are extenuating circumstances then the line manager can grant compassionate leave in excess of three days.

Please refer to section on **Parental Bereavement Leave** following the loss of a child under the age of 18.

## Court appearance

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An employee receiving notification that they are required to attend court as a witness or defendant

must report this to their manager, who will then authorise unpaid leave of absence. The employee is required to claim their normal earnings for the period from the party requesting their attendance as a witness or through costs. Where this is not possible, the council will consider whether any payment should be made after considering the merits of each case.

## Election duties

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Employees undertaking formal election duties for the Returning Officer will be allowed paid leave of absence from their normal duties on the day in question (where this is an overnight count then it will be the day following the overnight count). Employees should request the leave from their line manager, who may or may not approve it based on the needs of the service.

## Emergency care leave

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Between March and September 2020 inclusive employees were able to take unlimited emergency care leave to help with the consequences of the partial closure of schools. Initially, a cap of 12 days was put in place between 1<sup>st</sup> October 2020 and 31<sup>st</sup> March 2021. This was subsequently increased to 20 days between those two dates and will be further reviewed as necessary.

Outside of the above dates, for an urgent and unplanned emergency, employees who have responsibility for children up to the age of 16 or a dependent adult who normally relies on the employee for care are entitled to take up to 6 days paid leave each leave year (pro rata for part-time employees). This enables carers to make alternative and longer term care arrangements. For absences, which exceed three days, you must send your manager a doctor's statement with the reason for the dependant's need for personal care.

NB: The leave can only be taken when the unforeseen event occurs. You will be entitled to reasonable paid time off to deal with the emergency incident. In most cases one or two days will be the most that are needed to deal with the immediate care issues and deal with longer term care arrangements if needed. If the situation is on-going you must take annual leave, flexi-time or ask for unpaid leave.

For urgent and unplanned emergencies to deal with other dependants, with the agreement of their manager, the employee should take annual leave, flexitime or reasonable unpaid time-off.

Other dependants include a child over the age of 16, spouse, civil partner, parent, grandparent or other persons who live with the employee, or frail neighbours. The manager may use their judgment to assess whether or not compassionate leave should apply.

## Employees leaving their employment – annual leave implications:

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The annual leave entitlement of an employee leaving the authority is proportionate to their completed service during the leave year.

All outstanding annual leave should be taken during the employee's notice period. If this is not possible for operational reasons, then the outstanding balance (for the current year only) can be paid to the employee as a lump sum payment.

This does not apply where pay in lieu of notice is given where this payment is regarded as being inclusive of outstanding leave/lieu time. Some employees may choose to contest this "ruling", but it should be remembered that pay in lieu of notice is discretionary and if the employee had been required to work his/her notice period, they would have been expected to have taken their outstanding leave (or lieu time).

In the case of voluntary contract termination, any additional leave which has been purchased via the **Annual Leave Top-up scheme** and which has not been taken within the leave year will not be paid back to the employee.

If an employee is made redundant, takes maternity or paternity leave and has purchased additional leave via the **Annual Leave Top-up scheme**, any payment for additional leave taken, but not yet deducted will be reclaimed.

Any additional leave already deducted and not taken will be recalculated (on a pro-rata basis for the period worked) and reimbursed, due to the employee's inability to pre-empt the situation when applying for additional annual leave.

On leaving, any annual leave taken in excess of the pro-rata entitlement will be deducted from the individual's final payment.

The cost of any additional leave which has been purchased via the **Annual Leave Top-Up scheme**, but not taken before an employee has chosen to leave voluntarily, will also be deducted from the individual's final payment.

## Fertility Treatment

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Paid time off for fertility treatment will be granted to both partners (including same sex partners), who are Council employees, to attend one fertility programme of treatment. You may be asked to produce evidence of appointments.

## Flexitime scheme

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This scheme allows an eligible employee to accrue up to two days leave (15 hours pro-rata) to be taken within a flex period (four weeks). It is at the discretion of the Service Director whether one day or two days is allowed, based on service delivery needs. Please note that arrangements will be periodically reviewed and may need to be modified in line with changes to service delivery.

Any debit flexi hours will be deducted from final salary and continual debit should be addressed by the line manager. Refer to the **Flexitime scheme**.

## Fostering leave

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Employees fostering children are entitled to take up to 5 days paid leave and 15 days unpaid leave (pro-rata for part timers) to attend training or meetings during the fostering assessment and approval process and at the start of a long term foster placement. The **Maternity and Caring Employee Scheme** provides further information.



## Hospital appointments

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Employees are allowed reasonable paid time off for non-routine appointments for treatment or diagnostic purposes, whether at a hospital, clinic or the doctor's surgery (the list is not exhaustive).

Treatment may include minor surgery, the definition depending on the nature of the procedure and the anticipated recovery time. This does not include visits to doctors.

If the treatment is extensive or frequent, the employee and the manager will agree to a mixture of paid/unpaid time off, flexi- leave etc.

Wherever possible, appointments should be made at the beginning/end of days/shifts or at lunchtime.

It is acknowledged that there will be grey areas and managers should exercise their discretion within the broad framework provided and document their decision with reasons.

The employee should give as much notice as possible of the requested time off, and the manager may request confirmation of the appointment such as an appointment card, or a statement from the employee to confirm the nature and period of absence. Refer to **Supporting attendance FAQs**.

## Impairment related leave

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This is time off for treatment, rehabilitation or assessment related to an impairment which applies to disabled employees. It is not sickness absence and should not be treated or recorded as such. It will be recorded as authorised absence on timesheets.

It will mainly be for one off instances but an employee may have a series of treatments.

Generally, absence will be short-term, usually of one day. Examples (list not exhaustive):

- Attending mobility training with a guide dog for the Blind or Deaf
- Hospital check-ups
- Hospital treatment as an outpatient.

In some cases it may be appropriate to allow paid time off for counselling.

The number and frequency of sessions taken as paid time off should be agreed in advance. If the sessions are ongoing or very frequent, it may be appropriate for employees to also use annual leave or flexitime. The manager and the employee should discuss what is reasonable in the circumstances.

This type of absence will not require self-certificates/fit notes, but an employee should provide evidence of appointments.

## Jury service

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An employee receiving a summons to serve on a jury must report this to their manager who will then authorise leave of absence, unless an exemption from jury service is granted by the Lord Chancellor's Office. An employee is required to claim their normal earnings for the period of jury service from the court concerned; this amount will then be deducted from their monthly earnings.

Up-to-date details of any additional expenses that a juror may claim should be obtained from the usher at the court.

## Maternity leave

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The entitlement is up to 52 weeks leave, of which 39 weeks is paid and 13 weeks unpaid. Please refer to the **Maternity & Caring Employee scheme** for details. In some circumstances employees may be able to carry forward untaken leave.

## Medical screening

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Paid time off shall be granted to employees for the purposes of health screening; e.g. routine NHS screening (breast examination etc). Refer to **Supporting attendance FAQs**.

## Parental leave

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Parental Leave is unpaid and can be taken where the employee has parental responsibilities, birth and adoptive parents, foster parents, step parents and grandparents with a significant parenting role refer to the **Maternity & Caring Employee Scheme** for more details.

## Part-Time/Job-Share employees

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For part-time/job-share employees leave entitlement and statutory/public holidays will be calculated on a pro rata basis. Casual workers are entitled to 7.24 minutes leave for each hour worked.

## Parental Bereavement Leave

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All employees who are parents or carers (including foster parents and guardians) will be eligible to two weeks paid leave of absence (up to 74 hours or pro rata for part-time staff) at their normal pay following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. The two weeks can be taken in either one period of two weeks or in two separate periods of one week. The leave must be taken within a 56 weeks of the date of the child passing away.

## Paternity/Partner leave

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There are two types of leave in this category namely 'Ordinary Paternity/Partners leave' and 'Additional Paternity/Partners leave'. Both have specific conditions which are dealt with in more detail in the **Maternity and Caring Employees Scheme**

## Public duties

Employees undertaking public duties are entitled to the following:	Paid Leave Entitlement	Unpaid Leave Entitlement
Magistrate/Justice of the Peace	24 sittings per year	24 sittings per year
Elected Members of Local Authorities	2 days per month	2 days per month
Statutory tribunals, member of an educational managing or governing body	1 day per month	1 day per month
Chairs of Governors	2 days per month	1 day per month
Employee is standing as an election candidate	1 day per election	
<p>The above entitlements are subject to reasonable limits taking account of:</p> <ul style="list-style-type: none"> <li>• how long the duties might take</li> <li>• the amount of time the employee has already had off for public duties</li> <li>• how the time off will affect the business</li> <li>• A manager can refuse a request for time off if they think it's unreasonable.</li> </ul> <p>An employee who has been granted paid time off for carrying out a public duty is expected to return to work (wherever practicable) if their attendance is not required for a whole day. Where there is a payment for a public duty, time off will be granted on an unpaid basis only</p>		
Voluntary work in Bristol	1 day per year	

## Redundancy - employees facing interviews during notice period

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An employee, who is under notice of redundancy (does not include voluntary severance) or dismissal due to ill health, will be entitled to make use of the council's redeployment scheme. This entitles the employee to at least 40 hours paid time off to assist them to find alternative employment. This time may be used to attend interviews, undertake individual job search tasks and attend optional modules of the programme such as interview skills. Refer to the Re-deployment policy for more details.

## Sickness absence

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The Supporting Attendance policy is aimed at offering support and assistance to employees who are sick, but at the same time it is also necessary to manage and reduce the number of days lost through sickness absence. In some circumstances employees may be able to carry forward some of their untaken leave, where they were unable to take their leave due to sickness absence.

## Sport - International representation

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Any employee who has been selected to represent their country in a recognised sporting activity may be granted paid leave of absence. All applications for leave under this heading will be made to the employee's Service Director at least 6 weeks before the date of departure. The application - giving the date of the event, the duration of leave required, the venue and sport - must be supported by a letter from the national body governing the sport. In the event of any employee receiving remuneration as a result of participation in an international sporting activity, their attention should be drawn to the Code of Conduct for Employees.

## Suspended employee – Annual leave

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An employee may take leave whilst suspended from work. If the annual leave year concludes during the period of suspension any outstanding leave cannot be carried forward.

## Territorial and Auxiliary Forces

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Employees attending Territorial and Auxiliary Forces training must inform their manager as soon as possible, who will authorise up to 10 working days paid leave in addition to their normal annual leave.

Leave will be granted where there is a requirement to undertake training in addition to summer camps, where it is proved impossible to arrange such training on days when the person would not normally be working. Any additional leave required beyond the 10 days (as per above) can be taken by using own annual leave or unpaid leave.

A manager in exceptional circumstances may decline a request.

Managers must contact HR for guidance on the compulsory/voluntary mobilisation of Reservists for military operations.

## Trade Union duties

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Accredited officials of recognised trade unions are allowed a reasonable amount of time-off to perform their official trade union duties, with prior authorisation from their manager. For more information refer to **Time Off for Trade Union Duties and Activities Guidance**.



## Training, examinations, studying

Employees will receive paid leave for attending any training course or examination relevant to their job and approved by their manager.

Managers may apply their discretion to approve paid study leave.

The following can be used as a guide:

Type of Course	Study Leave – Up to:
BTec National	3 days for duration of course
BTec Higher National, Certificate in Management, Diploma in Management Studies, Professional, technical or craft qualifications	3 days each leave year
NVQ Levels 1-5 - prep prior to final assessment	1 day each leave year
Full time at university or college	None
Third attempt at any qualification	None

Employees wishing to attend a preparing for retirement course will be entitled to either paid time to attend or time off in lieu if it is not on their normal working day, subject to management agreement.

## Voluntary work – employer supported volunteering

Staff will be allowed the equivalent of 1 working days paid leave per year (pro rata for part time staff). It may be one occasion or split into hours over separate occasions, to participate in voluntary activities during working hours within the Bristol boundary.

Time off will be agreed by line managers and is subject to the need of the business. Volunteers will not be reimbursed for any volunteering undertaken in their own time.

Find Bristol-based volunteering opportunities on Can Do Bristol: [candobristol.co.uk](http://candobristol.co.uk)



# Unauthorised absence

## Legal Custody / Imprisonment

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If an employee is detained in legal custody or imprisoned, a decision will be made in conjunction with the employing Service Director and HR Service Director, as to whether the employee will be granted a period of unpaid leave of absence. The decision will be based on the length of the likely custody, or length of the sentence, the job done by the employee, their length of service and the circumstances underlying the reasons for the sentence.

An employee will not necessarily be dismissed because of their conviction for a criminal offence, but the employee's position will be considered on its merits. An acquittal of criminal charge will not itself preclude disciplinary action where such action would otherwise be appropriate, subject to the terms of this procedure.

Where a long-term sentence is passed, this can be grounds for dismissal under some other substantial reason or other legal provisions (i.e. frustration of contract).

## Unexplained or Uncertified Absence

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As soon as it becomes clear that an employee is absent without an acceptable explanation or medical certificate, the manager will write to the employee. The letter should note the date from which the employee was absent and that no medical certificate or satisfactory explanation has been received. It should remind the employee of their obligations and say they will not be paid beyond the last date at which they were either present at work or absent with an explanation. It will ask the employee to reply by return of post. The manager should attempt to visit the employee at home.

If, within a week, there is no response or no acceptable mitigating circumstances, a further letter should be sent by recorded delivery. It should refer to the earlier letter, state the lack of response and say that unless the employee returns by a specified date a week later or unless a medical certificate or acceptable explanation covering the whole period of absence is received by that date, a hearing will be convened. The letter should state

that if the employee fails to attend the hearing on the date and time provided, this will result in a decision being considered in their absence, which is likely to result in dismissal for breach of contract of employment.

If there has been no acceptable response by the specified date, the hearing should be convened and the decision should be made to dismiss the employee. The Service Director will again write to the employee. The letter should refer to the earlier correspondence, state the lack of response or acceptable response and confirm that the employee failed to attend the hearing, so a decision was made in their absence to dismiss them for breach of contract. This letter should quote the effective date of termination and make reference to any outstanding monies (for example holiday pay).

Advice on applicable notice requirements where the employee is dismissed is available from HR.

As the employee has been dismissed for having breached their contract of employment through failing to respond to actions taken by the council, the employee has a right of appeal to the Employee Appeals Committee. The employee should be informed in writing of this right.

Employees returning to work who are unable to give satisfactory reasons for their absence, will be subject to disciplinary action, in accordance with the disciplinary policy and will not be paid for the period of unauthorised absence. Employees who return to work and provide medical confirmation of their absence may also be subject to disciplinary for failing to follow the council's sickness reporting procedure.

# Additional guidance and support

This policy provides you with an overview of the purpose of the policy and the roles and responsibilities of those for whom it is intended. It also provides guidance in the Process section on the application of the policy. There are other documents which provide more detail and helpful guidance that should be read in conjunction with the policy and these are listed below.

## Additional guidance

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Annual Leave Top Up Scheme

Annual Leave Top-Up Calculator

Childcare Voucher Scheme

Flexitime Scheme

Jury service

Maternity Pay Estimate Calculator

School Holiday Voucher Scheme

Time Off for Trade Union Duties and Activities  
Guidance

## Associated policies

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Maternity and Caring Employee Scheme

Part Time Working / Job Share policy

Supporting Attendance policy

## Letters and forms

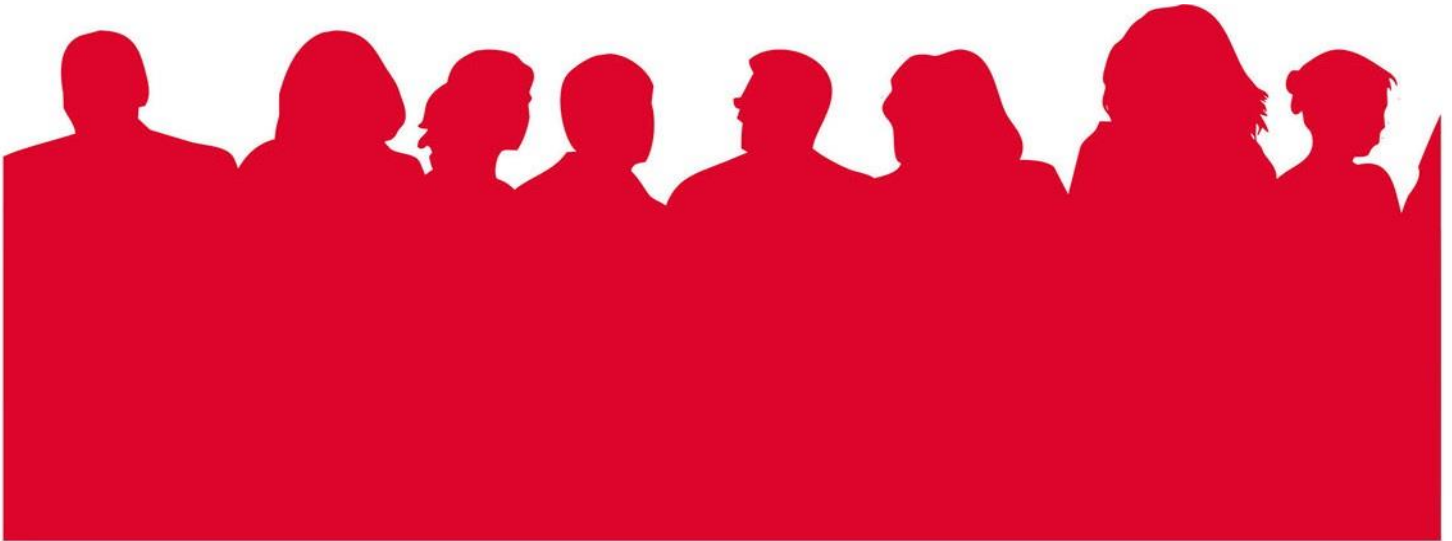
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Emergency Carers leave form

Flexible working and Parental Leave Application /  
Request Form – (also used for Job Share Applications)

Flexisheet – digital record of attendance for flexitime

Impairment Related Leave Form (Authorised Leave)



Contact: [HR Consultancy Team](#)

Date adopted: 29.01.21

The audience of this document is made aware that a physical copy may not be the latest available version. The latest version, which supersedes all previous versions, is available on The Source.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

### **History of most recent policy changes – must be completed**

Version	Date	Change
V1.16	01 October 2021	Fixed broken links
V1.15	29 January 2021	Carried over leave amended as agreed at Extended Leadership Meeting
V1.14	14 January 2021	Carried over leave amended in line with government regulations. Emergency care leave amended as agreed by Corporate Leadership Board.
V1.13	07 January 2020	New section Parental Bereavement Leave added. Change to hours in A/L entitlement section. Remove references to Vision.

