
Leave Policy

SHARED SERVICES



Council of the
ISLES OF SCILLY

October 2015

REVISIONS TO SOURCE DOCUMENT

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Version History			
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15/05/15	1.2	RH	HR amendments
29/06/15	1.3	LWJ	Revisions following staff consultation
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Equalities Impact Assessment Record					
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Law relating to this document:

Employment Rights Act 1996
Children and Families Act 2014
Flexible Working Regulations 2014 (SI 2014/1398)
Working Time Regulations 1998 (SI 1998/1833)

SCOPE

- 1.1 All permanent and temporary employees working under National Joint Council for Local Government Services conditions of service and Joint Negotiating Committee for Local Authority Craft and Associated Employees conditions of service.

ANNUAL LEAVE

- 2.1 The Council of the Isles of Scilly recognises that it is in the interests of both itself and its employees that the latter should take adequate leave (holiday entitlement) each year away from their duties. Employees are expected to give their responsibilities their complete attention and it is important that there should be regular breaks from this commitment.

- 2.2 The holiday year runs from 1 April to 31 March. Leave entitlement is as follows, with a pro rata calculation for anyone starting part way through a year or on part-time hours:

Grades 1-4 entitlement:		Grades 5-8 entitlement:
24 days (177.6 hrs)	0-2 years service	26 days (192.4 hrs)
26 days (192.4 hrs)	after 2 years service	28 days (207.2 hrs)
27 days (199.8 hrs)	after 4 years service	29 days (214.6 hrs)
29 days (214.6 hrs)	after 5 years service	31 days (229.4 hrs)

- 2.3 Chief Officer (Senior Managers and Chief Executive) entitlement is 34 days (251.6 hrs) per annum, with a pro rata calculation for those on part time hours.
- 2.4 Casual employees are entitled to Annual Leave based on the hours worked, which will be calculated and paid each quarter, unless the employee requests pay at the time of the leave.
- 2.5 To support the health and wellbeing of employees, we will encourage the take up of their full entitlement each year. It is recognised that on occasion this may not be possible. A maximum of the equivalent of your working week may be carried forward into the following year which must be authorised by the relevant Senior Manager. Any additional untaken days will be lost unless there are exceptional circumstances.
- 2.6 In exceptional cases, additional days **may** be carried over. Employees should submit their request in the first instance to the Senior Manager of their Business Unit, who if supportive, should pass the request on to the Chief Executive. It is the *employee's responsibility* to ensure their leave is authorised by their line manager or appropriate Senior Officer / Senior Manager.
- 2.7 Under the Working Time Regulations; employees should make the request for leave to their line managers at least twice the number of days requested *in advance* of the time they wish to take off. (E.g. if 10 days leave is required, the request must be made 20 days in advance).

- 2.8 Likewise, line managers must give notice equalling at least the number of days holiday requested to employees in advance, if rejecting their request. If a manager rejects a request for leave, they should give a reason for this. This ensures that all staff are treated fairly and equally and all rejections must be valid and reasonable.
- 2.9 Holidays are approved and allocated subject to departmental requirements. Airport Duty Crew/Fire Fighters holiday may be restricted to up to 2 weeks only being taken during the period 1 April - 31 October, depending on legislative staffing requirements.

BANK HOLIDAYS AND PUBLIC HOLIDAYS

- 3.1 All employees are entitled to eight Bank Holidays (59.2 hrs) / Public Holidays per year (this may sometimes fall differently depending on when the Easter holidays fall) and on occasions, additional public holidays that the government approve (e.g. Royal Weddings).
- 3.2 Employees will have the bank holidays / public holidays added to their annual leave, so that they have one pot of leave to use. This means that when they take any annual leave or bank holiday / public holiday, they will use this pot of leave.
- 3.3 A pro rata calculation for bank holidays/public holidays will be added to the annual leave entitlement for those employees who work on a part time basis as at 3.2 above.

TOIL (TIME OFF IN LIEU)

- 4.1 The Council recognises that it is not always possible for employees to work only their contractual hours. However, the Council also has a duty to protect the health and safety of its employees by ensuring that they do not work too many hours and that they are recompensed if it is necessary for them to work extra hours.
- 4.2 'Time off in lieu' is time off that is taken instead of overtime pay by employees working beyond their contractual hours for operational reasons.
- 4.3 Where possible, the Council encourages its employees on Grades 1 – 4 to take overtime pay for overtime worked at the appropriate hourly rate and the appropriate rate of overtime if more than 37 hours. However, employees will be allowed to take time off in lieu if they have obtained the prior agreement of their line manager.

ACCRUAL OF TIME OFF IN LIEU

- 4.4 TOIL is accrued equal to the hours actually worked, regardless of whether the hours are worked on a weekday or weekend. However, for work undertaken on a bank holiday, employees shall accrue time off with pay 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

- 4.5 Employees on Grades 5 and above are expected to organise their working hours to meet the needs of the service without recourse to either overtime or TOIL. However, where excess hours are worked, a manager will have the discretion to award overtime or TOIL in **exceptional** cases.
- 4.6 Employees who work specific hours, or under the flexible working policy, may only accrue TOIL when additional hours are worked outside of their requested working hours.
- 4.7 Employees can only accrue TOIL if authorised in advance by their line manager, and establish whether overtime or TOIL will be granted in relation to those hours. If this agreement is not in place, with the exception of emergency situations, any additional hours worked by the employee will not qualify for accrual of TOIL and will be lost.
- 4.8 Employees who choose to work outside of normal working hours through personal choice cannot accrue TOIL.
- 4.9 TOIL should not be accrued on a regular basis. If an employee is accruing TOIL regularly, then an alternative solution should be discussed with the line manager.
- 4.10 Any suspected abuse of TOIL may be treated as a disciplinary matter.

REDEMPTION OF TIME OFF IN LIEU

- 4.11 Employee requests to redeem time off in lieu will be granted at the discretion of their line manager, taking into consideration operational requirements such as the needs of the business and workload of other employees. Line managers are expected to allow staff as much flexibility as they can under this policy. However, it will not always be possible to allow staff to take the time off when they have requested it. At least one half day of time off in lieu must be accrued before it can be redeemed.
- 4.12 TOIL should be taken as soon as is reasonably possible after it has been accrued and within one month of accrual. Employees cannot carry forward time off in lieu beyond this period without the prior agreement of their line manager. Any entitlement that has not been taken within one month of accrual or within a period agreed previously with the line manager will be lost.
- 4.13 Where the employee can demonstrate that no action has been taken to accommodate their request for TOIL, or requests have been refused on the grounds that the employee feels are unreasonable, the individual has the right to either request payment at overtime rate for the hours owed or specify when they wish to take the TOIL. This request should be made in writing to the employee's Senior Manager immediately following the months period of TOIL being accrued.
- 4.14 When an employee moves to a different Business Unit, accumulated time off in lieu will be paid as overtime pay unless alternate arrangements are made. Time off in lieu paid as overtime pay will be charged to that Business Unit for which the employee was working when they did the overtime. Employees may obtain the agreement of their new line

manager to carry over time off in lieu to their new Business Unit. The new Business Unit will absorb the associated costs of carrying over time off in lieu.

- 4.15 Where an employee transfers within sections of a Business Unit, any time off in lieu that they have accumulated will not be affected, unless Human Resources receives instructions from the Senior Manager to the contrary.
- 4.16 Employees who are leaving the organisation and have accrued time off in lieu will be paid overtime pay to cover this.

LINE MANAGER RESPONSIBILITIES

- 4.17 TOIL should only be authorized where the work can only practically be undertaken outside of normal working hours.
- 4.18 Employees who have accrued TOIL should be able to take this at a time which is operationally viable but without reasonable delay.
- 4.19 When agreeing the accrual of TOIL, managers must ensure that the employee's working hours do not exceed those stipulated by the Working Time Regulations.
- 4.20 TOIL should not be accrued on a regular basis. If an employee is regularly required to work additional hours, managers are advised to undertake a review of working arrangements and an alternative solution should be considered.
- 4.21 Line managers are responsible for monitoring the levels of TOIL that employees are accruing and ensuring that accumulations are in accordance with this policy.
- 4.22 If a general need arises for some overtime to be worked, the manager must offer this to the appropriate employees on a rotational basis, in order to maintain fairness in managing these opportunities.

PUBLIC AND VOLUNTEER DUTIES

PUBLIC DUTIES

- 5.1 Where an employee holds a public office or public position, it is the organisation's policy to grant a reasonable amount of time off work so that the employee can perform the duties associated with that position. The employee will not be required to make up for any such time off by working additional hours at another time.
- 5.2 Employees should provide written notification to their line manager of any dates on which they wish to take time off work for public duties, stating the expected length of their absence. This notification should be provided as far in advance as possible.

- 5.3 Under s.50 of the Employment Rights Act 1996 employees who hold certain public positions have a right to reasonable unpaid time off during working hours. The provisions cover Justices of the Peace and members of the following public bodies:
- a local authority;
 - a statutory tribunal;
 - a police authority;
 - the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
 - a board of prison visitors or a prison visiting committee;
 - a relevant health body;
 - a relevant education body;
 - the Environment Agency, the Scottish Environment Protection Agency or a relevant Scottish water and sewerage authority.
- 5.4 There is no definition in law as to how much time off is reasonable for the purpose of public duties. When considering whether to grant time off, the Council may take into consideration some or all of the following factors:
- how much time off is generally required for the performance of the office in question, and how much time off is required for the performance of the particular duty on the particular occasion;
 - how much time off has already been granted to the employee for public duties;
 - the circumstances of the employer's business;
 - the effect of the employee's absence on the running of the employer's business.
- 5.5 Where the amount of time off that the employee requires for public duties becomes excessive, or begins to cause operational difficulties for the organisation, the organisation has the right to refuse the employee further time off in the immediate future. Alternatively, the employee may be permitted to take time off out of his/her annual holiday entitlement for this purpose.
- 5.6 Time off for public duties will normally be unpaid. However, at the discretion of the Corporate Leadership Team, an employee may continue to be paid at his/her normal rate of pay during periods of time off for public duties, subject to the deduction of any monies received from the relevant authority in respect of the duties performed, which the employee must declare.
- 5.7 Where an allowance is claimable for loss of earnings the employee should claim and must pay the allowance to the employing authority.
- 5.8 Requests for leave should be made in writing to the line manager on the special leave form and recorded in Employee Self Service for approval by the line manager, along with backing evidence. Normally up to a maximum of 3 days paid leave will be approved.

- 5.09 Commitment to emergency services should be discussed and agreed with the line manager in order to allow for an immediate response to an emergency. Any time off in an emergency situation may be allocated retrospectively in agreement with the line manager upon return to work (maximum 5 days per annum) and recorded as in 5.8. These cases will be considered in relation to business requirements as in 5.4 above.
- 5.10 Requests for unpaid leave for other 'voluntary service' should be discussed with your line manager in advance of taking on any commitment as in 5.8 above. This could include registered community charities or other voluntary work (maximum 5 days per annum). Each case will be considered in relation to business requirements as in 5.4 above.
- 5.11 Time off for voluntary service duties (including emergency services) will normally be unpaid. However, at the discretion of the Corporate Leadership Team, an employee may continue to be paid at his/her normal rate of pay during periods of time off for volunteer duties, subject to the deduction of any monies received from the relevant authority in respect of the duties performed, which the employee must declare, as in 5.6 above.
- 5.12 Army, Navy & RAF reservists should notify the employer if they are a reservist and make their employer aware of any commitments as soon as they become known.
- 5.13 Disputes concerning time off for volunteer service duties can be dealt with via the grievance procedure.

MEDICAL SCREENING

- 6.1 Necessary paid time off will be granted for the purpose of medical screening.
- 6.2 Applications should be made on the Medical Absence form (with backing evidence of the appointment attached) and Employee Self Service to be approved by your line manager.

COMPASSIONATE LEAVE

DEATH OF A CHILD, PARTNER, MOTHER, FATHER, BROTHER, SISTER, GRANDFATHER OR GRANDMOTHER

- 7.1 In recognition of the tragedy of such a death, irrespective of their ages, normally 5 but up to 10 days paid leave can be granted by the relevant Senior Manager following consideration of the following circumstances:
- whether the individual has to travel a distance to attend the funeral
 - whether the individual has to organise funeral arrangements
 - whether the individual has responsibility for executing the will
 - the Manager's knowledge of the individual's personal circumstances.

DEATH OF RELATIVE OTHER THAN THOSE LISTED ABOVE

7.2 Depending on the circumstances, up to 5 days paid leave may be granted by the relevant Senior Manager following consideration of the following circumstances:

- whether the individual has to travel a distance to attend the funeral
- whether the individual has to organise funeral arrangements
- whether the individual has responsibility for executing the will
- the manager's knowledge of the individual's personal circumstances.

PERIOD OF ABSENCE

7.3 Further leave for the above, with or without pay, may be granted by the Chief Executive in consultation with Human Resources depending on individual circumstances.

7.4 In circumstances not covered by any of the above Senior Managers may give approval of up to two weeks paid leave or six weeks unpaid leave for other compassionate reasons.

7.5 You should inform your line manager as soon as possible, if you need to take compassionate leave, and they will discuss and agree with you, how this leave will be taken, and whether it will be paid. The agreed request will then be made on the special leave form and recorded in Employee Self Service for approval by the line manager.

SPECIAL LEAVE

8.1 Additional leave with or without pay may be granted in special circumstances at the discretion of the Senior Manager.

8.2 Applications should be made on the Special Leave form and recorded in Employee Self Service for approval by the line manager.

OTHER LEAVE ENTITLEMENTS

9.1 There are a number of other leave entitlements that have been included in the Family Friendly policy, these include:

- Maternity,
- Maternity support leave (Paternity leave),
- Adoption leave,
- Emergency time off for dependants,
- Parental leave.

9.2 Shared Parental Leave is a separate policy.