



Leave Policy and Procedure

Document Control Sheet

Reference Number	HRLVE
Version Number	01
Document Author	Senior HR Business Partner
Lead SMB Member	Head of HR
Ratifying Committee	Policy & Resources Committee, Council
Date Ratified	
Date Policy Effective From	
Next Review Date	3 years from implementation

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This policy supersedes all previous issues.

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1. Purpose and Scope

- 1.1. This policy applies to all employees of Ryedale District Council on NJC terms and conditions, however excludes those on Chief Officer terms and conditions.

2. Annual Leave

- 2.1 The annual leave year runs from 1 April to 31 March. Your annual leave is calculated on your length of continuous service in local government, as determined below.

Leave Entitlement/Period of Continued Service	
0-5 Years	5+ Years
25 Days	30 Days

- 2.2 Statutory holiday entitlement is 28 days including public/bank holidays. This equates to 5.6 weeks for someone working five days a week. Ryedale District Council offer an additional 5 days leave entitlement from the point at which employment commences. If you work part time, your annual leave and bank holiday entitlement, will be calculated on a pro-rata basis.
- 2.3 Entitlement accrues from the first day of employment and takes account of relevant continuous local government service, as per the NJC Green Book.
- 2.4 Annual leave is bookable via MyView. Leave is not approved until confirmation of authorisation has been received from your line manager, and as such employees are advised not to book vacations where there will be a financial commitment until the approval process has been confirmed.

3. Outstanding Annual Leave

- 3.1 Where an employee leaves the employment of the council, staff will be expected to take all of their apportioned annual leave entitlement during their notice period, up to their date of leaving, to be agreed with their line manager. Payment for untaken leave would not normally be permitted and will only be sanctioned with agreement from SMB under exceptional circumstances.
- 3.2 Where an employee has taken in excess of their annual leave entitlement at their date of leaving then this will be recovered from their final salary payment. It is the line manager's responsibility to notify ESS of this in the leavers form.
- 3.3 For full time employees the calculation will be based on 1 / 5th of a week's pay for each day. For part time employees then the calculation will be based on the number of hours outstanding.

4. Carry over and untaken Annual Leave

- 4.1 It is the responsibility of the employee to request leave and obtain approval from their line manager as far in advance as possible. Managers will try to accommodate

individual's needs and commitments outside of work wherever possible. However, leave may not be approved where it cannot be accommodated for business reasons.

- 4.2 It is the responsibility of all line managers to regularly review and monitor the utilisation of annual leave for each member of their team throughout the year, to ensure the requirement to carry over leave into the next year is avoided or, where this is not practicable, kept to a minimum.
- 4.3 In exceptional circumstances, if an employee is unable to take all of their leave in the current leave they can, with the agreement of their line manager and Head of Service authorisation, carry over a maximum of five day's annual leave (pro rata for part time employees) to the next leave year. Annual leave cannot be rolled up, year on year, and it is a requirement that any additional leave is taken before 31st May within the current leave year in order to manage annual leave effectively.
- 4.4 In exceptional circumstances, where the demands of the service do not allow for carry-over of annual leave or when, due to an employee leaving the council or where an employee's contract has been terminated, it is not possible for them to take the leave to which they are entitled, it is possible for the line manager to seek approval for payment in lieu of untaken annual leave. Approval can only be authorised by a Head of Service after discussion with HR.
- 4.5 Payment in lieu of untaken annual leave is restricted to a maximum of 5 days leave, pro rata for part time employees. In this instance all employees must have taken the statutory minimum holidays (20 days) plus 8 bank holidays.
- 4.6 Any requests approved under 4.3, 4.4 and 4.5 will be reported to SMB as part of standard reporting.

5. Annual Leave and Long Term Sickness Absence

- 5.1 Annual leave accrues at the normal rate during periods of absence from work relating to sickness absence. For further details, please consult the Absence Management Policy.

6. Continuous Service

- 6.1 Entitlements to annual leave, maternity pay, sick pay entitlements and redundancy pay are calculated on continuous service (service that is unbroken). This includes continuous previous service with any public authority to which the [Redundancy Payments \(Continuity of Employment in Local Government, etc.\) \(Modifications\) Order 1999](#) applies. Continuous service is broken when:
 - The employee has previously received a redundancy payment from one of the organisations listed in the Order;
 - There was a break between jobs of over seven days (running from Sunday to Saturday) which was not as a result of redundancy;
 - That due to redundancy, the employee had a break of over four weeks between jobs with organisations listed in the Order (even if they were not eligible for a redundancy payment). Please consult HR for further advice.

6.2 For employees who complete 5 years' service their annual leave enhancement will increase on a pro-rata basis from the date of the service anniversary.

7. Continuous Service - Other Organisations

7.1 Where an employee has joined Ryedale District Council from one of the named discretionary organisations to those public bodies covered under the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 and amendments, and their service is unbroken there is a discretionary provision to have this service recognised as continuous for the purposes of leave entitlements where the service is relevant to the role within the council and / or it would be in the best interests of the service for recruitment and retention purposes. Such recognition would be entirely at the discretion of Ryedale District Council as agreed by SMB.

8. Bank Holiday Entitlement

8.1 All employees are entitled to public holidays as paid leave and for part-time employees this is a pro-rata calculation:

New Year's Day - 1 January (or first normal working day thereafter)

Good Friday - Friday immediately before Easter Sunday

Easter Monday - Monday immediately after Easter Sunday

May Day - first Monday in May

Spring or Whitsuntide - last Monday in May

Late Summer / August - last Monday in August

Christmas Day - 25 December (or first normal working day thereafter)

Boxing Day - 26 December (or first normal working day thereafter).

8.2 Public holiday entitlement reflects the public holidays that are scheduled within each 'leave' year, whilst this is typically eight days per year, depending on where Easter falls it could be more or less and will be pro-rata for those on part-time contracts.

9. Flexitime Leave

9.1 Grades 1 – 10 are entitled to work Flexitime, subject to the roles undertaken in the organisation and business need.

9.2 Flexi leave is subject to prior authorisation and should be recorded on the timesheet.

9.2 One full day or two half days flexible leave may be taken in any one calendar month. Line Managers must take care not to approve flexible leave which may result in debit hours in excess of the permitted level of 7 hours 24 at the end of any accounting period.

9.3 Please refer to the Flexible Working Policy for further information.

10. Time off in Lieu (TOIL)

10.1 Time off in Lieu (TOIL) is defined as time taken off to compensate for planned time worked in addition to contracted hours. This should only be worked with prior agreement by the Head of Service. There is no provision for overtime to be paid

under TOIL. Any TOIL time taken back should be agreed in advance with the Line Manager and must be taken within three months of the hours worked. Maximum hours worked should be in conjunction with the Working Time Directive which states that employees should not work more than a 48 hours working week unless an 'opt out' form has been signed and returned to be placed on the employee's personal file.

11. Credited Medical Appointments

Where possible non routine medical appointments, should be made outside of normal working hours, or at the beginning or end of the working day. Where this is not possible, time off with pay will be given for attendance of such appointments for the actual time spent away from work (excluding travel time) up to a maximum of the standard day or part day.

Staff should provide evidence of the appointment upon request.

Routine GP, Dental and Optician Appointments

- 11.1 Wherever possible the above appointments should be made outside of normal working hours, or at the beginning or end of the working day. Where this is not possible, alternative methods of leave should be taken.

Antenatal Appointments

- 11.2 Entitlement: All pregnant employees are entitled to paid time off to attend antenatal appointments. Time off for antenatal care should be paid at the employee's normal rate of pay. Antenatal care may include relaxation and parent craft classes, as well as medical examinations related to the pregnancy. The entitlement to paid time off for antenatal appointments applies regardless of the employee's length of service. This paid entitlement is also extended to fathers and partners to attend up to two antenatal appointments. The employer can ask for appointment cards/evidence except for the very first appointment.

Fertility Treatment

- 11.3 Entitlement: Credited medical leave for hospital appointments up to a maximum of ten visits per annum, pro-rata for part-time staff.
- 11.4 Wherever possible, employees should attend fertility clinics/hospital for treatment during their own time and attend work before and after their visit to the fertility clinic. Most fertility clinics work extended hours to provide treatment so employees should be able to make early or late appointments to minimise disruption to their working day.
- 11.5 However, if employees have to attend clinic/hospital visits during work time for consultation and pre-surgery treatment they will receive credit of the actual time taken from their standard working day up to a maximum of ten visits in total per annum, pro-rata for part-time staff. An appointment card/letter must be shown to the line manager.

- 11.6 Post-surgery recuperation will be under the provisions of the occupational sickness scheme of Ryedale District Council.

Gender Reassignment

- 11.7 Entitlement: Credited medical leave for hospital appointments up to a maximum of 10 visits per annum, pro-rata for part-time staff. Employee will use their own time for other treatment.
- 11.8 Employees attending hospital visits for consultation and pre-surgery treatment will receive credit of the actual time taken from their standard working day up to a maximum of ten visits in total per annum, pro-rata for part-time staff. An appointment card/letter must be shown to the line manager.
- 11.9 Post-surgery recuperation will be under the provisions of the council occupational sickness scheme.

12. Other Paid Leave

Compassionate Leave

- 12.1 Entitlement: Up to 5 days' paid leave in any one leave year may be approved for attending dependants at a time of serious illness, or for bereavement of a close relative. A close relative is defined as Partner, Spouse, Parent, Grandparent, Child, Grandchild and Sibling. In the case of part-time staff, leave is pro rata.
- 12.2 For all other relatives not included in the definition above other leave arrangements will need to apply e.g. annual leave, flexi-leave or toil.
- 12.3 Should further days be needed, special leave (unpaid) could be requested. Alternatively, flexi-leave, TOIL or annual leave could be used.

Public Service

- 12.4 Entitlement: A maximum of 12 days' paid leave can be agreed to allow staff to serve on a public body, or to undertake public duties, for example, a magistrate, a justice of the peace, member of a local authority (parish or district council), statutory tribunal, NHS trust, health authority, prison board of visitor, or school governor, service with non-regular forces, retained fire-fighter duties and attending related training. Staff should give as much notice as possible of requests for absence.

Jury Service

- 12.5 Entitlement: Time off with pay is given to employees required to do Jury Service. Salary will be reduced up to a maximum of any loss of earnings which may be claimed (excluding travel and subsistence payments). When an employee is called for jury service the court service issues the employee with a pack which includes a form for the employer to complete relating to earnings. This form may advise that it does not need to be completed if your employer is intending to pay you in full, however please speak to your Line Manager prior to your service as they will need to undertake the necessary administration and advise what you need to do upon completion of the Jury Service. The court service will make a payment to employees

for loss of earnings. Following their Jury Service, the employee must send the details of the payment the court has made to their Line Manager. The amount paid will be deducted from the employee's next salary payment.

Attending Court as a Witness

- 12.6 Entitlement: A maximum of two days' paid leave will be given to anyone requested to attend court as a witness, beyond which the employee can utilise annual leave, flexi leave or unpaid leave. Employees must provide evidence of the request to attend court. Authorisation will be granted subject to business continuity being unaffected.

Election Duties

- 12.7 Entitlement: Staff who carry out election duties for county, district, parish, or general elections (undertaken in the region) will be paid for these duties by the district body. However, as this is a long day Ryedale District Council will also give the employee paid time off for their normal working day.

Service in non-regular forces or Army Reserve

- 12.8 Entitlement: Employees who are registered Reservists should notify their employers of this. Ryedale District Council will pay up to 12 working days to attend annual camps and other training events related to military matters.

Study and Exam Leave

- 12.9 Entitlement: Special leave will be granted for the day on which any examinations which are part of approved courses are taken (including those after normal office hours). In addition, revision leave of up to 5 working days may be granted leading up to the examination date. This entitlement is per academic year.

Interview Leave

- 12.10 Entitlement: You may be granted leave of absence with pay of a maximum of one day per annum for the purpose of attending an interview for Ryedale District Council or another Local Authority.

13. Unpaid Leave

Dependants Leave

- 13.1 Entitlement: Reasonable time off can be requested when an emergency arises regarding a dependent, for example a child, parent, spouse or other householder. The employees Line Manager should act reasonably when considering such requests.
- 13.2 It is inevitable that emergencies and unforeseen situations involving dependants will arise from time to time. Ryedale District Council would wish to allow the employee enough time to cope with the crisis, e.g. to deal with the immediate care of a child, and to make longer term care arrangements.
- 13.3 Reasons for taking time off in relation to a dependant are broadly defined as:

- Help a dependant who is ill, has been injured or assaulted, or gives birth
- Arrange care for a dependant who is ill or injured
- Deal with the death of a dependant
- Deal with an incident involving their child during school hours

13.4 Time off under the scheme can only be taken in relation to certain needs of a "dependant". A dependant is anyone who, in relation to the employee is: a spouse, a child, a parent, a person who lives in the same household otherwise by reason of being their employee, tenant, lodger or boarder, any person who reasonably relies on the employee to make arrangements for the provision of care.

13.5 Staff need to tell their Line Manager the reason for the absence and their expected return date as soon as is reasonably practicable. This need not be in writing.

Emergency/Special Leave

13.6 Entitlement: Unpaid leave can be granted to deal with serious home or domestic problems or other unforeseen emergencies, at the manager's discretion. This is a provision for one-off emergency situations and should not be used on a regular, non-emergency basis or where other types of leave may be used i.e. annual, flexi or lieu time. Its main purpose is to give the employee time to deal with the emergency or make arrangements to have it dealt with. This leave should not be longer duration than is necessary to reasonably deal with the particular issue.

13.7 This must be approved by your Line Manager and is generally expected to be used for shorter periods of leave.

Religious Festivals, Holidays and Cultural Needs

13.8 Many religions have specific days or periods throughout the year that involve additional religious observances for followers. The nature, duration and requirements vary depending upon the holy day or religious festival, and can also vary depending on the personal religious beliefs of an individual.

13.9 Employers are under no legal obligation to grant a religious-based request for time off. However, RDC believes it is good practice to accommodate as many of these requests as can be balanced against the needs of the business, but it is also important to ensure that such requests are handled in a tactful and consistent manner. Managers should be aware that whilst showing some consideration to a religious group during holy days and festivals can be beneficial, it is also important not to disproportionately favour that group to the disadvantage of colleagues with different (or no) religious beliefs. Time off should therefore be negotiated with the line manager using annual leave, flexi-leave, unpaid leave or lieu time.

14. Buying and Selling Leave

14.1 Staff can apply to buy or sell additional annual leave and spread the cost across the rest of the leave year. The cost to the employee will be based on their basic salary worked out as 1/5th of a week's pay for each day unpaid leave day taken. This will be

taken from gross pay and therefore saving on National Insurance contributions and tax.

- 14.2 Once the request has been approved by the Head of Service, the line manager will need to contact payroll to arrange for the deductions to be taken over the remainder of the leave year.
- 14.3 This can cover unpaid leave for a variety of situations including but not limited to additional annual leave, bad weather, doctor, dentist and opticians' appointments, study leave, religious festivals/holidays.
- 14.4 Further details are available in the Collective Agreement.

15. Strike/Industrial Action

- 15.1 Any industrial action is a form of breach of contract and as such is unpaid.
- 15.2 Annual leave - late requests for annual leave on dates when strike/industrial action will take place will not be approved, unless managers have ensured that essential cover is in place. For the same reason ad hoc requests to work from home on that day will not be approved. Leave requests already approved will be honoured if possible, but managers may need to withdraw approval to cover services if required.
- 15.3 Child care arrangements - schools may close due to strike/industrial action. Where staff have school age children it is their responsibility to plan alternative child care arrangements so that they can attend work normally if they are not taking part in the industrial action. Any late leave requests to cover childcare if approved will be under 'special leave' provision and will be unpaid.
- 15.4 Sick leave - staff who are off sick on the day of action, are required to complete a self-certificate note on their return. If they do not ring in or the manager is not satisfied that it was in fact a genuine sickness absence pay will be withheld.

16. Adverse Weather Conditions

- 16.1 If adverse weather conditions occur and you are unable to get to your normal workplace or are advised by the police not to travel, then you should work at home if possible. If you do not feel confident to travel, then try to arrange to get into work by car sharing or using public transport.
- 16.2 If none of these options are available, other options should be considered; flexi leave, unpaid leave, annual leave.

17. Family Related Leave

- 17.1 Information regarding maternity, paternity, adoption, shared parental leave and parental leave is contained within the Family Leave Policy.