



**ST HELENS**  
BOROUGH COUNCIL

**Policy Reference No: PM08**

# **Leave and Time Off Policy**

## **St Helens Borough Council**

Effective from: 01/06/2022



# Leave & Time Off Policy

## Policy Information

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<b>Responsible Directorate</b>	People Management – Corporate Services
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## Version Control

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## Our Vision and Values

The Council has co-designed a clear vision for workplace culture and worked together with employees to identify values and behaviours for everyone. These will be at the core of how we work together to deliver our services. Employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment.

Our vision, values and behaviours are underpinned by our Bonds for Working Together at St Helens which outline what employees can expect from working at the Council and what is expected of them.

### Our Culture, vision, values, behaviours and Bonds for Working Together at St Helens



## Introduction and Purpose

St Helens Borough Council recognises the need for employees to have time off from work and encourages employees to take appropriate rest from work. The Leave and Time Off Policy provides an over-arching framework for dealing with a range of leave and absence situations that arise and ensures that the Council complies with the legal requirements in respect of statutory time off and ensures fair and consistent treatment for all employees.

The purpose of this policy is to set out the detail of the provisions that St Helens Borough Council will make to allow appropriate types of leave and time-off for employees to support them in fulfilling their public, personal and family responsibilities and to achieve a good work-life balance.

## Policy Statement

This policy aims to ensure employees and managers understand the entitlements to annual leave and the required processes in place to manage annual leave.

This policy provides clarification to employees of the Council's provisions for leave and other time off entitlements relating to different sets of circumstances. The principles that underpin the policy include:

- having a uniform approach to the approval of leave and other time-off;
- compliance with relevant employment legislation;
- giving all leave and time off requests serious consideration within a reasonable timescale, ensuring that employee's statutory rights are met, and that service delivery is not affected;
- encouraging employees to pursue interests outside of their work role and, where appropriate, to provide appropriate time-off (paid or unpaid) for this purpose.

## Scope of the Policy

This policy applies to all employees of St Helens Borough Council with the exception of staff employed by schools.

## Definitions and Abbreviations

In the Policy, the following words and phrases mean:

**Council** - St Helens Borough Council

**Employee** - Those employed by St Helens Borough Council including agency/consultancy staff, secondees to the organisation and those employed under partnership arrangements but excluding those employed in schools.

**Annual Leave year** - The annual leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March.

**RPMO** - Redundancy Payments Modification Order.

**IVF** - In-Vitro Fertilisation.

## Equality, Diversity and Inclusion

The Public Sector Equality Duty of the Equality Act 2010 applies to both employment at the Council and in the delivery of Council Services. The Council's Comprehensive Equality Policy sets out the duties and requirements of the Equality Act 2010, and other relevant legislation.

The Equality Act 2010 protects all people from discrimination, harassment and victimisation. The Council is committed to promoting equal opportunities in employment and all employees will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility.

The Council has a zero tolerance towards discrimination, harassment and victimisation. All employees must show due regard to acknowledge and value people's differences, and, as far as possible, where permissible in Council policy and practice, meet an individual's needs in accordance with their choices and preferences.

The minimum standard of behaviour and attitude expected of council staff is to ensure all people who employees come into contact with are given equal opportunities and treated fairly and respectfully.

## Annual Leave

Annual leave is intended to provide employees with regular periods of rest and recreation to enable them to enjoy a healthy and balanced working life. Annual Leave entitlement is calculated based on length of continuous service and salary scale. Previous employment with a related employer (ie. an employer to which the RPMO applies) will count towards continuous service. The table below sets out annual leave entitlements for employees. Column A shows the leave entitlements inclusive of two extra Statutory days and Columns B include the leave entitlements inclusive of an average 8 days Bank/Public Holidays.

Salary Scale	Period of Continuous Service			
	0 – 5 Years Service		5 + Years Service	
	A	B	A	B
Up to SCP 11	185 hours (25* days)	244.2 hours (33* days)	207.2 hours (28 days)	266.4 hours (36 days)
SCP 12 - 25	192.4 hours (26 days)	251.6 hours (34 days)	214.6 hours (29 days)	273.8 hours (37 days)
SCP 26 +	207.2 hours (28 days)	266.4 hours (36 days)	229.4 hours (31 days)	288.6 hours (39 days)
Executive Directors	222 hours (30 days)	281.2 hours (38 days)	244.2 hours (33 days)	303.4 hours (41 days)

\*includes additional day awarded under 2009, 2020 and 2022 pay awards.

The leave entitlement applies pro-rata if an employee is part time.

Leave allocated in measures other than standard days eg. hours, will be calculated from the above, pro-rata if required. Leave will also be calculated pro-rata for employees who commence or terminate employment during the leave year.

Under the Working Time regulations there is a statutory entitlement to 5.6 weeks paid leave in one leave year (including Bank and Public holidays). Statutory leave may only be taken in respect of the year in which it is due.

### **Carry-forward**

All annual leave should be taken in the normal leave year (ie. 1 April to 31 March). However, where employees have been unable to take all of their leave entitlement, for good reasons, they may carry forward up to 5 days into the following leave year.

Employees are encouraged to use all their leave entitlement during the annual leave year. Payment for accrued leave will only be made in exceptional circumstances.

### **Covid-19 - 2021/2022 Leave Year**

In response to the COVID-19 pandemic it has been recognised that employees may find it more difficult to use up their full annual leave entitlement as a result of issues related to COVID-19 and as a result a temporary new law has been introduced, The Working Time (Coronavirus) (Amendment) Regulations 2020 which allows employees to carry forward a maximum of 20 days untaken holiday to be used across the following two annual leave years (2020/2021 and 2021/2022). The Council's policy has been amended to take account of this.

## **Bank Holidays**

Employees are, irrespective of length of service, entitled to a holiday with a normal day's pay (in the case of part-time work pro-rata to that of a full-time employee) for each of the statutory, general and Bank/Public holidays as they occur. These are included in the Columns B of the annual leave entitlements as shown above.

Bank/Public holidays are fixed dates in the calendar, they do not occur at even intervals throughout the year. At the beginning of a leave year part-time employees, and those who work irregular patterns, will be notified of their specific entitlement to Bank/Public holiday leave for the year, and will use this entitlement as the bank/public holiday occurs. This entitlement will be adjusted for those who commence or finish during the leave year.

The above arrangements apply unless payment for Bank/Public holidays is included in an equalised rate of pay to compensate for Bank/Public holiday working.

## **Annual Leave Purchase Scheme**

The Council operates an additional Annual Leave Purchase Scheme which allows employees to enhance their leave entitlement and enhance their work life balance. Employees can apply to purchase 5 days additional leave (pro-rata for part time employees), subject to the needs of the service. The window of opportunity for employees to apply for additional annual leave is up to the 31<sup>st</sup> January for purchases for the following leave year.

If the application is approved the employee's pay will be adjusted and deducted proportionately over the leave year, or over the second half of the leave year for applications in September. All leave including additional leave purchased must be taken by the end of the leave year.

## **Staff Volunteering within Voluntary and Community Organisations**

St Helens Council is committed to supporting staff who wish to undertake volunteering within voluntary and community organisations. Volunteering within the community supports the Council's vision of 'Working together for a better borough with people at the heart of everything that the Council does by improving people's lives together and creating distinct, attractive, healthy, safe, inclusive and accessible places to live, work, visit and invest'.

Employees can apply to take up to 2 days paid time off each year (pro rata for part time staff) for which they will receive their normal days pay for the volunteering leave.

Employees who wish to volunteer must seek authorisation from their line manager prior to agreeing to any volunteering participation. Employees can volunteer for any organisation that is a registered charity, recognised voluntary organisation or is in response to a community need, a local crisis or need for local emergency aid within St Helens Borough which demonstrates positive social or environmental benefit. Approval would be subject to operational needs. The volunteering form is available [via this link](#).

Volunteer leave can be used flexibly, for example one day at a time or half days but cannot be carried over from one year to the next. All requests for time off to volunteer will be considered based on the volunteering principles and where possible will be granted. It should be noted that there is no automatic entitlement for paid time off for volunteering.

Further information about Volunteering Together at St Helens is available [via this link](#).

## **Health Related Appointments**

The introduction of agile working introduces a greater flexibility for employees to balance working time with personal/domestic commitments. Employees should use the flexibility within these working arrangements to attend health related appointments, after having discussed and agreed this with their manager to ensure service delivery and agreed outcomes are not affected.

If an employee's role is place specific and/or time-critical and not suitable for agile working, health related appointments should, where possible, be arranged outside of working hours. However, where this is not possible, employees will be given the time to attend hospital appointments without the need to make the time back.

### **Elective Surgery**

Elective surgery is an employee's choice, that is neither a medical recommendation nor a medical imperative. This includes cosmetic surgery, which is concerned with the enhancement of appearance. Absences due to this type of surgery/treatment should not be regarded as sickness absence or paid special leave. Treatment, any preliminary hospital or doctor's appointments, should be in an employee's own time, however managers should be supportive and consider the Council's flexible working arrangements if requested. Should an employee become unfit to attend work as a result of any of the above treatments where the treatment has resulted in a more serious medical problem which is certified by a GP, the normal sickness procedures/policy will apply.

### **Fertility Treatment**

Details of time off for IVF is contained within the Council's Attendance Management Policy. IVF may justify special leave. Any employee wishing to request special leave for IVF treatment

should discuss this with their line manager to enable the appropriate working arrangements to be made. Again, managers should be supportive and consider both flexible and agile working arrangements.

## **Maternity Leave**

Time off for the above will be granted in accordance with the Council's Maternity Leave Guidance and Procedure accessible [via this link](#). This guidance covers time off for ante natal appointments, absence during pregnancy, entitlements to leave and pay with details of different options that are available to employees.

## **Adoption Leave**

Time off for the above will be granted in accordance with the Council's Adoption Leave Guidance and Procedure accessible [via this link](#). This guidance covers time off for appointments, entitlements to leave and pay with details of different options that are available to employees.

## **Paternity Leave, Maternity Support Leave and Adoption Support Leave**

Time off for the above will be granted in accordance with the Council's Paternity Leave, Maternity Support Leave and Adoption Support Leave Guidance and Procedure accessible [via this link](#). This guidance covers time off to attend appointments, entitlements to paternity pay and maternity/adoption support leave.

## **Ordinary Parental Leave**

Time off for the above will be granted in accordance with the Council's Ordinary Parental Leave Guidance accessible [via this link](#). This guidance covers the time off without pay that is available for parents / adopters in one-week blocks, up to a maximum of 4 weeks per year, 18 weeks in total up to the 18<sup>th</sup> birthday of a child.

## **Shared Parental Leave**

Time off for the above will be granted in accordance with the Council's Shared Parental Leave Guidance and Procedure accessible [via this link](#). This guidance covers time off for employees with caring responsibilities for babies or newly adopted children who wish to share up to 52 weeks of leave with their partner by committing to ending their maternity or adoption leave and pay early, and by opting in to the Shared Parental Leave Scheme.

Maternity Leave Guidance and Procedure is accessible [via this link](#).

Adoption Leave Guidance and Procedure is accessible [via this link](#).

Paternity Leave, Maternity Support Leave and Adoption Support Leave Guidance and Procedure is accessible [via this link](#).

Ordinary Parental Leave Guidance is accessible [via this link](#).

Shared Parental Leave Guidance and Procedure is accessible [via this link](#).

## **Leave of Absence**



There are times when a personal event or emergency demands your time. Reasons for this can include bereavement, seriously ill relatives or other family emergencies.

The Employment Relations Act 1999 gives you the right to have reasonable time off from work when it is necessary for you to deal with unexpected or sudden emergencies which occur in relation to your dependants. Assistant Directors are authorised to grant up to 10 days' special leave (with a maximum of 5 days pay) in any one year for urgent personal or domestic circumstances.

### **Dependent Care/Family Emergencies**

The granting of leave in these circumstances is intended to cover unforeseen circumstances. Time is given at the discretion of the Executive Director, Director, Assistant Director or Head of Service, and may be with or without pay, in accordance with the guidance below.

A dependant is defined as 'anybody living in the household of the employee who is directly dependant on the employee eg. spouse, partner, child, parent or someone who lives in the same household as the employee but is not their employee, lodger or tenant'. Any other person who would reasonably rely on the employee for assistance if they fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care would also be defined as a dependant.

In most cases 1 or 2 days would be sufficient to deal with a situation/emergency and/or make longer term care arrangements if necessary.

### **Bereavement**

Each case will be considered on its merits taking into account factors such as the closeness of the relationship, the circumstances of the bereavement and the existence of other relatives to assist with funeral arrangements. The following broad guidelines will be applied.

- 5 days paid leave in the event of a death of an immediate relative (eg. mother, father, husband, wife, partner, child).
- 1 - 5 days may be agreed in the event of the death of a brother, sister, grandchild, grandparent, In-laws.
- 1 day may be granted to attend the funeral of an aunt, uncle, cousin, brother/sister-in-law.
- Funeral time may be awarded for other relatives, close friends and colleagues.

### **Parental Bereavement Leave**

If an employee suffers the loss of a child under the age of 18 on or after 6<sup>th</sup> April 2020, parental bereavement leave is available. This includes parents who suffer a stillbirth after 24 weeks of pregnancy. Regardless of length of service, employees can take this type of leave if they are the parent or have parental responsibility of the child who has passed away. This includes adoptive parents.

Two weeks of parental bereavement leave is available and can be taken as either a single block of two weeks or two separate blocks of one week at different times. The leave cannot be taken as individual days.

To receive statutory parental bereavement pay an employee must have at least 26 weeks' continuous employment with the Council by the week before the one in which their child passed away and still be employed by the Council on the date of the bereavement. Employees

must also have normal weekly earnings in the eight weeks up to the week before the bereavement of at least the lower earnings limit for national insurance contribution purposes.

If an employee qualifies for statutory parental bereavement pay, they will be paid at the rate set by the Government, or at 90% of their average weekly earnings where this figure is lower. For the first week of parental bereavement leave the Council will top up the statutory pay to ensure that the employee receives a normal week's salary. The second week of leave will be paid at the statutory rate of pay. If employees are not eligible for statutory parental bereavement pay, they will be able to apply for a week's paid leave of absence and the second week of parental bereavement leave will be unpaid.

### **Care for Seriously Ill Dependants**

Situations may arise when employees are required to provide care for a seriously/terminally ill dependant or during the hospitalisation of a child. In such circumstances up to 5 days paid leave may be granted to assist with this. An additional 5 days unpaid leave may also be granted at the discretion of the Executive Director if warranted by the individual circumstances.

If the period of dependency is expected to be lengthy, the use of annual leave, parental leave, a period of unpaid leave (for example 3 months) or a career break may be considered.

### **Leave in other Circumstances**

Leave may also be granted in other urgent or domestic circumstances, where no other provision exists to accommodate such absences. Executive Directors can consider such requests and can authorise leave of up to 5 days with pay and 5 days unpaid leave dependent upon the circumstances. Requests for leave in excess of this amount will be considered and granted at the discretion of the Executive Director in consultation with the Head of People Management.

### **Career Break**

Employees can request an unpaid career break for a defined period of time, usually of no longer than 12 months. Such requests should be made in writing to the relevant Executive Director and each request will be considered, taking into account the circumstances of the individual situation. Consideration will be given to the period of time that an employee's post they have vacated can be held open for them on the existing terms and conditions.

The Council's Leave of Absence Guidance is available [via this link](#).

## **Job Interviews**

Where an employee has an interview for a job within the Council, which is scheduled during normal working hours, they will be granted reasonable paid time off to attend the interview. Where the interview is with another organisation, including another Local Authority, employees will normally be expected to take annual leave or unpaid leave to attend. If, however they are coming to the end of a fixed term or temporary contract or have been officially declared as 'at risk' or been served with notice of redundancy, time-off with pay may be allowed at the discretion of your Manager.

## Public Duties and Other Purposes

### Jury Service

Employees are required to notify both their manager and People Management as soon as a summons to attend jury service is received and to keep them notified throughout the process, right up to the return to work. Whilst on jury service employees will be paid their normal pay, effectively as a loan. In return they need to claim back this 'loaned amount' from the courts via any expenses that are available to them. Employees also need to notify their manager of the days spent in court. Once confirmation is received of any expenses paid by the court, this amount will be deducted from their salary and therefore they will not lose out. Further details regarding this process are accessible [via this link](#).

### Magisterial Duties

If an employee becomes a Magistrate, they must be available to carry out at least 26 half day court sittings each year and therefore must seek approval via the Council's Code of Conduct. If approval is granted the Council will grant up to 13 days paid leave.

### Leave to Serve as a Member of another Council

Under the Local Government and Housing Act 1989 a Local Authority can permit employees to take time off for the purposes of performing the duties of an Elected Member of a relevant Council. This duty must be declared via the Council's Code of Conduct. The Act indicates that it shall be unlawful for the Council to make payment of remuneration or other payment to an employee in excess of 208 hours in any one financial year. Any time taken off in excess of the permitted 208 hours will be without pay. It will be incumbent on employees and their manager to log the number of hours taken and notify [Payroll@sthelens.gov.uk](mailto:Payroll@sthelens.gov.uk) of subsequent pay to be deducted.

### Election Duties

If an employee is involved in local and national elections (including the Police and Crime Commissioner Elections) they will receive time off, as appropriate to the duties they are performing including the following: work on the day of an election for the purpose of polling station duties for St Helens Borough Council (poll clerks, presiding officers and polling station inspectors); work on the day of any count, when that count takes place on a weekday, during normal office hours, and is relating to counting duties for St Helens Borough Council. Those employees involved will receive remuneration for the duties undertaken.

### School Governor

Employees elected to serve as School Governors should be granted time off with pay for all scheduled meetings of a School's Full Governing Body. Requests for time off to attend other meetings in connection with School Governor duties, for example attendance at Governing Body sub-committee meetings, should be submitted using a Leave of Absence / Special Leave application form. Such requests will be considered by the employee's manager and should time away from work be granted, this will usually be without pay.

### Meetings with Outside Bodies (excluding Trade Unions)

A maximum limit of 15 working days' leave with pay will be granted to employees in any one leave year for attending meetings of approved outside bodies.

With effect from 1 October 2018 the Time Off for Public Duties Order 2018 extends the right to time off for public duties under section 50 of the Employment Rights Act 1996 to: members of a panel of lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991 (these are volunteers who monitor conditions for prisoners under escort and in court custody); members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999; members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports. The right to time off under the 2018 Order will be with pay, in accordance with the provisions of the NJC National Agreement on Pay and Conditions of Service.

## **Trade Union Duties**

Reasonable paid time off will be provided for elected union representatives such as a shop steward or convenor to carry out some union duties. These include training, consultation on terms and conditions of employment; accompanying employees at disciplinary or grievance hearings; representation of members at meetings relating to redundancy or attendance management.

Union learning representatives will also have the right to take reasonable paid time off for learning and training related activities providing the union has informed the Council of any union learning representatives.

## **Territorial Army/Reserve Forces Activities Leave**

In accordance with the Armed Forces and Reservist Employment Policy, reservists and volunteers with cadet forces can take advantage of an additional 10 days paid leave per annum, specifically to allow them to attend their 2-week Annual Training Course/annual camp. Employees wishing to take advantage of this will need to provide written evidence from their Commanding Officer.

Employees will also be released for attendance on additional training events that take place on normal working days. This time can be covered by annual leave/time accrued or unpaid leave.

The Council offers reservist staff unlimited unpaid leave for any period of mobilisation. The Ministry of Defence will assume responsibility for a reservist's salary for the duration of their mobilisation.

The Council's Armed Forces and Reservist Employment Policy is accessible [via this link](#).

## **Monitoring and Review**

This policy will be monitored to ensure that it is fair, consistent and effective and reflects the Council's culture, vision, values, behaviour and bonds for working together at St Helens. The policy will also be reviewed in the light of operating experience and/or changes in legislation.