

**Committee:** FULL COUNCIL

**Agenda Item**

**Date:** February 15, 2007

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**Title:** TIME OFF FOR CIVIC DUTIES AND  
VOLUNTARY SERVICE – OPERATION OF  
COUNCIL'S POLICIES

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Item for decision

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## Summary

1. At the meeting of the Council in October 2006, Members requested that a detailed report be submitted setting out all relevant information regarding the operation of Council policy regarding leave for civic and voluntary service; specific interest had been focussed on the paid leave entitlement for members of the Territorial Army. This report:
  - presents historical background information on the National Terms and Conditions for local government employees;
  - explains the current UDC Policy for special paid leave for employees;
  - presents some information on the rewards for people serving in the Territorial Army (TA);
  - provides comparators in both Essex and across the wider region;
  - puts all information in a legal context;
  - recommends a course of action.

## Recommendations

2. In view of impending legislation (The Gender Equality duty) in April 2007, no special treatment outside the agreed entitlement for Public Duties and TA Forces employees should be given to any one group of employees. It is therefore recommended that the existing entitlement, as set out in the Leave entitlement Policy, remain unchanged.
3. It is recommended that PN17 be reviewed and that Special Constables be mentioned specifically in paragraph 3.3 entitled Public Duties.
4. It is also recommended that the possibilities for utilising the facility of 'negative flexitime' be incorporated in the immediate revision of the relevant policies (No. 17 Leave entitlement and No. 16 Flexible Working Hours Scheme).

## Background Papers

5. Appendix I: NJC Scheme of Conditions of Service (Purple Book), in use until March 1997 (extract).
6. Appendix II: NJC National Agreement on Pay and Conditions of Service (Green book) extant from April 1997 (extract).

7. Appendix III: Current UDC Personnel Policy Note No. 17: Leave Entitlement: (part thereof, not inclusive of appendices).
8. Appendix IV: Findings from comparator authorities.

### Impact

9.

Communication/Consultation	None
Community Safety	None
Equalities	<p>Under the Gender Equality Duty (GED) which comes into force in April 2007, public authorities are required to promote gender equality and eliminate sex discrimination, and treat men and women fairly.</p> <p>As in practice, all UDC employees serving in the Territorial Army are male, it is important that leave entitlements are applied equitably, and that those in the TA are not treated favourably, and by implication other employees performing other public duties are not discriminated against.</p>
Finance	There would be financial implications if additional paid leave were to be accorded.
Human Rights	None
Legal implications	There would be legal implications if the above duty were contravened.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	Unison, on behalf of the workforce, agree with the recommendations in this report, to reflect equitable treatment of all staff.

### Situation

10. Historically, Council Policy was based on the national Terms and Conditions of Service, as was set out in the Purple Book until 1997, when this was

replaced by new nationally-agreed Conditions of Service, which were contained in the Green Book.

11. The Purple Book provided guidance on Leave entitlements to meet several specific situations, including recommendation for Service in the Non-Regular and the TA forces, to grant the two weeks required for camp as additional leave with pay in those cases where the basic annual leave entitlement is four weeks. However, in cases where an officer's leave entitlement is greater than the basic 20 days, to grant either one or two weeks' additional paid leave.
13. The Green Book Terms (1997) were less specific and detailed in some respects, purposely allowing for local agreements and policies to fit local requirements.
14. The Green Book provides guidance on Leave for Public Duties, but does not mention the Territorial Army specifically. The Employment Rights Act 1996 does not include the Territorial Army under the definition of Public Duties. This may be due to the fact that employees of the Territorial Army receive pay. TA training is carried out during a two-week annual camp plus six or more weekends a year and a few evenings each month. All training is paid at Army rates of pay(daily rate for a TA Major up to £129.79, for a new non-graduate entrant the daily rate is up to £74.20). Individuals can also earn an annual tax-free bounty of £382 in the first year, rising to £1,506 after three year's efficient service. Uniform and military equipment are issued free.
15. Currently, although the council reserves the right to make matched deductions from these allowances, this does not occur in practice, and employees receive pay from two sources during week one of camp.
16. The Council's current Leave Entitlement Policy (PPN 17) became operational in 2001, and was last reviewed in 2004, and therefore as an agreement with the employee representative union, Unison, this agreement supercedes previous agreed terms from the Purple Book, and falls within the local agreements allowed under the Green Book agreement.
17. Paragraphs 3.3; 3.5 and 3.7 of the UDC Personnel Policy Note no 17, Leave Entitlement, explains the special leave entitlements specifically for Public Duties, Reserve Forces/TA and Jury Service. The logic behind this agreement was that all employees who undertake public duties such as School Governor, Member of a Police Authority or Health Body, have similar requirements in terms of voluntarily giving their time, and therefore no special cases should be made, and all should be treated fairly and equitably.
18. Following the introduction of the Flexitime Working Scheme in 2003 it has also been agreed that 'negative' flexitime may be used for attendance for the second week at camp, thus negating the need to take unpaid leave. Negative Flexitime would allow an employee to take (eg) 5 days off work with pay, by agreement with their supervisor, and then over an agreed period of time, to work the hours owed to the organisation via the flexitime

- system. Employees may, of course, use their paid annual leave or TOIL to contribute towards, or account fully for, their time off.
19. Background paper 4 provides a comparison between UDC special leave entitlement and those of other Essex authorities, and also a number of authorities in the wider region, in order to provide as wide a comparison as possible.
  20. One authority (Basildon) makes the following provision: where Officers have an annual leave entitlement in excess of the basic 22 days, the special TA leave entitlement decreases from 10 days in proportion to their increased a/l entitlement., until Officers with 27 days or more annual leave entitlement are accorded 5 days' paid leave. In another authority the entitlement is for "up to" 2 weeks leave, which allows for a similar arrangement.
  21. Leave entitlements increase in relation to the seniority of the post, and increase after five years' continuous service. A table is incorporated on page 1 of PPN No 17, from which you will see that after five years' service Scales 1-4 receive 27 days leave per year, and those staff in the most senior positions receive 32 days' leave per year.
  22. Under the Gender Equality Duty (GED) which comes into force in April 2007, public authorities are required to promote gender equality and eliminate sex discrimination, and treat men and women fairly. As in practice, all UDC employees serving in the Territorial Army are male, it is important that leave entitlements are applied equitably, and that those in the TA are not treated favourably, and by implication other employees performing other public duties are not discriminated against. It should be noted that female employees do hold such other public duty roles.
  23. Recently there has been a recruitment drive for Special Constables. The Chief Executive has requested that special arrangements be considered for employees who may undertake duties in that respect. although not mentioned specifically in the Green Book , or in PPN 17, Special Constables could be covered under paragraph 3.3 'Public Duties'.

### Risk Analysis

24.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating actions</b>
If recommendations not approved, risk of contravention of GED duty.		This would be both illegal for a local authority and not be in accordance with our Equalities Standard goals	Adhere to spirit of the recommendations.

## Extract from the Purple Book (in use until July 1997)

Section 4 Para 43-49)

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**43. Special Leave**

Additional leave with or without pay, may be granted in special circumstances at the discretion of the employing authority (see also Appendix G to this Scheme).

**44. Leave for Examinations**

Leave of absence without loss of salary to be granted to officers for the purpose of sitting for examinations applicable to the local government service.

In addition leave of absence without loss of salary may be granted by the employing authority for the purpose of final revision in the period preceding the examination according to the circumstances of each case.

**45. Leave of Absence — Service in Non-Regular Forces**

The National Council endorses the principle that volunteer members of the Non-Regular Forces who attend summer camp should be granted leave additional to their normal annual leave. Employing authorities are therefore recommended to grant the two weeks required for camp as additional leave with pay in those cases where the basic annual leave entitlement is four weeks. In the case of officers whose basic leave entitlement is more than four weeks, employing authorities are recommended to grant either one or two weeks' additional leave with pay for this purpose.

Subject to the note below local authorities are also recommended to grant paid leave to members of the Territorial Army who are required to undertake training additional to attendance at summer camp and who are unable to arrange for such training to be on days when they would normally not be working.

*Note. Under the Reserve Forces Act, 1966 volunteers may be required to undertake training for up to 16 days per annum (usually on Saturdays and Sundays). Territorial Army Units should be in a position to offer alternative dates and the onus is, therefore, on the officer to try to arrange for training to be undertaken in off-duty time. If this is not possible the officer should furnish alternative dates to the Authority so that mutually acceptable dates for his absence may be found.*

**46. Leave for Jury Service**

An officer receiving a summons to serve on a jury must report the fact to his chief officer, who shall grant him leave of absence therefor unless exemption is secured.

An officer serving as a juror shall claim the allowance for loss of earnings to which he is entitled under the Jurors' Allowances Regulations currently in force. The employing authority shall then deduct from the officer's full pay an amount equal to the allowance received.

**47. Leave for Meetings of Whitley or Public Bodies**

Authorities should consider granting in appropriate cases paid leave of absence (i) to officers attending meetings concerned with National or Provincial Council affairs or (ii) to enable officers to undertake duties consequent upon membership of public bodies (including service as a magistrate).

**48. Time off for Medical Screening**

Necessary paid time off shall be granted to officers for the purpose of being screened for breast and cervical cancer.

**49. Adoption Leave**

Authorities may wish to give sympathetic consideration to a request for adoption leave by a parent who, because of the extent of the responsibility for the child, needs to be with that child for a settling-in period directly following the assumption of permanent responsibility for the child.

REVISED JUNE 1988  
(CIRCULAR N.O. 315)

## Extract from Green Book (In use from July 1997)

**7. Leave****7.1 Public Holidays**

Employees shall, irrespective of length of service, be entitled to a holiday with a normal day's pay for each of the statutory, general and public holidays as they occur.

**7.2 Annual Leave**

The minimum paid annual leave entitlement is twenty days with a further five days after five years of continuous service. The entitlement as expressed applies to five day working patterns. For alternative working patterns an equivalent leave entitlement should be calculated.

7.3 The annual leave entitlement of employees leaving or joining an authority is proportionate to their completed service during the leave year.

**7.4 Extra Statutory Holidays**

Employees shall have an entitlement to two extra statutory days holiday, the timing of which shall be determined by the authority in consultation with the recognised Trade Unions with a view to reaching agreement, or added to annual leave by local agreement.

**7.5 Public Duties**

Paid leave of absence will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing authority.

**7.6 Maternity Support Leave**

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

**7.7 Time off for Medical Screening**

Necessary paid time off will be granted for the purpose of cancer screening.

**7.8 Adoption Leave**

Authorities are recommended to introduce adoption leave schemes for employees adopting children.

**7.9 Special Leave**

Additional leave with or without pay may be granted in special circumstances at the discretion of the employing authority. Authorities shall give particular consideration to granting reasonable paid time off for dependants as defined under the Employment Relations Act 1999.

# PERSONNEL POLICY NOTE

<p><b>Title: LEAVE ENTITLEMENT</b></p> <p><b>Including:</b></p> <p><b>Annual Leave</b></p> <p><b>Special Leave</b></p> <p><b>Study Leave</b></p> <p><b>Parental Leave</b></p> <p><b>Time Off For Dependants</b></p> <p><b>Maternity Support/Paternity Leave</b></p> <p><b>Attendance At Work In Time Of Difficulty</b></p> <p>Please also refer to PPN19: Maternity Leave</p>	<p><b>Number: 17</b></p> <p><b>Operational: 16.11.01</b></p> <p><b>Version: 3</b></p> <p><b>Last Reviewed: Sept 2004</b></p> <p><b>Next Review: Sept 2005</b></p>
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## 1 POLICY STATEMENT

Leave is beneficial to the health and well being of employees and annual leave is a statutory requirement. The Council recognises the importance of leave and encourages all employees to take their leave entitlement.

In addition there is a statutory entitlement to Parental Leave and Time Off for Dependants, in accordance with the Employment Relations Act 1999, which is designed to provide a balance between the demands of family life and those of work. To complement and work in conjunction with this, details of how Compassionate Leave and Study Leave may be applied are also clarified.

This note sets out the Council's policy in relation to these various forms of leave entitlement.

## 2 ANNUAL LEAVE

### 2.1 Leave Entitlement

Your leave entitlement will be set out in your contract of employment and in "Standard Conditions of Service" PPN 30. The following chart sets out annual leave entitlement for all full time employees. Please note, Statutory days are always expressed separately, so they may be taken on designated dates, for the convenience of the service.

<u>Scale</u>	<u>Basic annual Entitlement</u>	<u>After 5 years continuous service</u>
Scale 1 – 4	20 + 2 extra-statutory days	25 + 2 extra-statutory days
Scale 5	21 + 2 extra-statutory days	25 + 2 extra-statutory days
Scale 6	22 + 2 extra-statutory days	25 + 2 extra-statutory days
SO1	23 + 2 extra-statutory days	26 + 2 extra-statutory days
PO	25 + 2 extra-statutory days	27 + 2 extra-statutory days
SM/CMT	27 + 2 extra-statutory days	30 + 2 extra-statutory days

- 2.2 Part-time workers' leave entitlement is calculated pro-rata, and given in hours; part hours will be rounded up to the next hour, if 0.5 or greater, and rounded down if less than 0.5 hours. Statutory days are not rounded in this way. For examples, please see Appendix 1.
- 2.3 Employees leaving or joining the Council will have their leave entitlement calculated in direct proportion to the number of full weeks' service completed during the leave year. In cases where a fraction of a whole day arises, leave is rounded up to the next whole day if 0.5 or greater, and rounded down if less than 0.5; for examples, please see Appendix 1.  
It is the Council's policy to recoup pay where an employee leaves the Council, having taken more than his/her proportional leave entitlement; similarly, an employee will be paid for any untaken leave to which s/he was entitled.
- 2.4 Booking Annual Leave: The leave year runs from 1 April to the following 31 March. When you wish to take leave, please liaise firstly with your colleagues to sound out their plans too, before giving reasonable prior notice of your request to your line manager. In cases where more than one member of the team would like the same dates, one method of resolving the problem is to have a rota for priority to dates. Managers requiring help in compiling a rota should consult Personnel Services. Any annual leave requests from employees who wish to observe non-Christian religious holidays should be treated with sensitivity.  
All leave is subject to the business needs of the Council. A leave card must be completed stating the period of time over which you wish to take holiday, and authorised in advance by your line manager before you confirm holiday arrangements.
- 2.5 Untaken leave: The Council will not pay employees who are in continuing employment with the Council for any untaken leave, unless there were exceptional Council business circumstances which prevented the employee from taking all or part of their leave entitlement. Any such exceptional circumstances, resulting in untaken leave which would be paid if necessary, must be authorised in advance by the Director in question.

Employees may, with the approval of their Head of Service, carry forward up to a maximum of 5 days' leave into the next leave year.

- 2.6 Illness during a period of authorised annual leave: If, during a period of authorised leave you are sufficiently unwell, you should obtain a doctor's certificate (this is not available at the Council's expense) and send it to your Head of Service immediately. Unless there are other mitigating circumstances, upon which the Personnel Manager should be consulted, your absence will then be recorded as sick leave, from the date of your medical certificate and your Head of Service will allow the corresponding leave to be re-booked later. All such cases are subject to a maximum carry-over of five days (see 2.5 above).
- 2.7 Public and Bank Holidays: Employees are entitled to a holiday with a normal day's pay for each of the statutory Bank and Public holidays as they occur. Workers who are on the Register of Short Duration Workers are excluded from this entitlement.
- All part-time/job share employees, regardless of whether they would normally work on days on which Bank and Public holidays fall or not, have a proportionate entitlement to these holidays. The entitlement is based on an 'average working day' pro-rata hours calculation with the time off for each Bank/Public holiday based on



that calculation rather than on the hours normally worked; for examples, please see Appendix 1.

- 2.8 Extra Statutory Holidays: Employees are entitled to two extra statutory days' leave (for part-time staff, two 'average work days') annually, the timing of which will be determined by the Chief Executive, advising union representatives prior to publication. Extra Statutory days are allocated separately from annual leave, and the entitlement must be used to cover the days specified.

Staff will normally be notified by 1 April each year of the timing of these days. For further details of allocation of statutory days, please see Appendix 1.

If extra statutory days are designated to be taken on specific dates they must be taken as/when directed, and are not transferable (ie they cannot be taken at alternative times) in the eventuality of staff being absent from work. However, in exceptional cases, when an individual is REQUIRED to work, entitlement to compensation shall be in accordance with the Green Book, part 3, paragraph 2.3(d).

In the cases of part-time staff, 'allocated' extra-statutory days are treated like Bank/Public Holidays as described in paragraph 1.4 of Appendix 1 (although please remember that the appropriate hours have already been allocated on your annual leave card). This includes situations where a part-time employee does not normally work on a day of the week which has been allocated in this way.

For all employees, only if the days are not specifically allocated may the leave entitlement be used as annual leave.

- 2.9 Christmas Eve: the Council's policy in relation to Christmas Eve holiday arrangements is set out in "Christmas Eve Discretionary Holiday Policy", PPN 57.
- 2.10 Additional Leave Entitlement: You are entitled to additional leave (see the table in 2.1) in the leave year in which the fifth anniversary of your continuous local government service falls. This leave is awarded on a sliding scale, pro-rata to your service during that year after the 'anniversary of start' date. The additional leave will be expressed in whole days, rounding up to a whole day if the pro-rata entitlement is greater or equal to a half day, and down to the next whole day if the pro-rata entitlement is less than a half day; for examples, please see Appendix 1.

In subsequent years, the full additional leave entitlement is added.

- 2.11 Entitlement to Annual Leave whilst on Maternity Leave: You will accrue annual leave during your Maternity Leave in line with the terms and conditions of your employment. However, as employees are only entitled to carry over 5 days' leave into a new leave year, you are encouraged to consider taking any outstanding leave due to you at the time, immediately before you go on maternity leave. Please note that allocated statutory days are not transferable, and may not therefore be added to annual leave entitlement during maternity leave.

If you are not able to take your leave during the current leave year, you may carry forward to the next leave year up to 5 days, with the authorisation of your Head of Service. A full explanation of maternity arrangements is found in PPN 19 "Maternity Leave".

### **3 SPECIAL LEAVE**

Heads of Service have the authority to grant special leave (paid, unpaid or a combination of both), up to a maximum of 5 days per occasion, in the following circumstances:

- 3.1 Compassionate Leave: Special paid leave, up to a maximum of 5 days, may be granted for personal reasons of an urgent or compassionate nature, for example, the death or serious illness/injury of a close family member, namely: partner, child, parent, brother, sister, adoptive and step-family members.

It is suggested that for the death or serious illness of other family relatives such as a parent-in-law, grandparent, or grandchild, paid leave up to a maximum of 3 days be granted. In cases where the employee is responsible for executor/funeral arrangements then 5 days' paid leave be granted.

In exceptional circumstances this compassionate leave may be extended at the discretion of the Head of Service, in consultation with a Director.

Employees needing to take additional time off may make arrangements to take annual leave or unpaid leave, at the discretion of their Head of Service.

In all situations where employees need to take special leave, (including Time Off For Dependants), it is principally a matter of employee personal preference whether unpaid leave or annual leave is requested, to cover such situations. The main criterion when determining whether leave is paid or unpaid, is how reasonable the request is, based on the following circumstances: the amount of unbooked annual leave still held, the length of time requested and the demands of the service; it is not necessary for employees to have used up all annual leave before they may be granted special unpaid leave.

As it is important that requests are treated consistently throughout the organisation, guidance may be obtained from Personnel Services.

- 3.2 Attendance At Work In Times Of Difficulty: Please note that additional extensive guidance, clarifying whether employees are entitled to take time off, and if not, what the options are, for a range of situations and circumstances (eg bad weather), is contained in Appendix 3.

- 3.3 Public Duties: If you hold public office, for example, as a School Governor, Magistrate, Lord Mayor/Lady Mayoress, your Head of Service may approve reasonable time off, with pay. This will depend upon the nature of the duties performed, and the opportunity for them to be undertaken in 'out-of-work' hours. Up to a maximum of five working days' leave with pay per annum may be granted, (ie pro-rata to hours worked). It is anticipated that time off requested would normally be in hours, or single half or whole working days. If more than 5 days per annum are required, leave may be taken, but without pay.

Deductions from salary will be made to match any allowances or expenses paid to an employee in the course of such duties, which employees have a duty to claim.

- 3.4 Medical/ Dental/Legal/other 'exceptional' Appointments: Routine appointments should be made out of work time whenever possible. Where this is not possible, or for emergency or 'exceptional' appointments, Heads of Service may authorise 'reasonable' time off with pay, on being satisfied that it is appropriate to do so, and may request to see an official appointment card.

- 3.5 Reserve Forces/TA: If you are a member of the Territorial Army or a member of one of the Reserve Forces of the Armed Services, the Council will grant up to 5 days' paid leave of absence for you to attend annual camp. The Council reserves the right to make deductions from salary to match any allowances or expenses paid to you in respect of these five days.

Any further leave required for your attendance at camp or for any other reason must be taken from: annual leave entitlement, unpaid leave, or accrued TOIL.

- 3.6 Time Off For Interviews: Employees may, with the agreement of their Head of Service, take a half day as paid leave to attend an interview with another local authority, up to a maximum of four times per annum. Time in excess of half a day (per occasion) must be taken as annual leave (or the equivalent, as confirmed by Personnel Services).

- 3.7 Leave for Jury Service/Witness at Court: any attendance at court as a juror or witness is compulsory for whatever period of time is required by the court, and will be with normal contractual pay. Where an allowance is claimable for loss of earnings, the employee is required to claim and pay the allowance to the Council.

If you receive notice to attend court as a juror, please alert your Head of Service immediately, as exemptions are sometimes permitted for employees in certain occupations.

- 3.8 Recording of Special Leave: for details of how to record periods of special leave please refer to paragraph 8.

## **4 STUDY LEAVE**

- 4.1 If you are following an approved course of study you may be entitled to the following, subject to the support of your Head of Service:

4.1.1 Paid half day/day release for the purpose of relevant formal study, where this has been authorised operationally and approved as being in keeping with service objectives.

4.1.2 Half a day paid study leave for each examination undertaken which counts towards a relevant approved qualification, subject to a maximum of 2 days per course of study.

4.1.3 Paid leave to undertake each examination counting towards a relevant approved qualification.

## **5 PARENTAL LEAVE**

- 5.1 Who Is Eligible? A working parent who has one year or more continuous service (see below for details), by the specified date is entitled to take unpaid parental leave for the purpose of caring for a child. The term 'parent' covers:

- ◆ The mother of the child
- ◆ The father of the child if he was married to the mother at the time of the birth or is registered as the child's father

- ◆ The father (if not covered by the above) if he has acquired parental responsibility under the Children Act 1989.
- ◆ A guardian appointed under s.5 of the Children Act 1989
- ◆ Adoptive parents

There are now two groups of employees who are eligible for Parental Leave:

5.1.1 Parents of a child born or adopted on or after 15 December 1994, who must have completed one year's continuous service with an employer between 15 December 1998 and 9 January 2002, have the following entitlement:

- ◆ Up to a maximum of 13 weeks' UNPAID parental leave for each child born (or adopted) between 15 December 1994 and 14 December 1999, to be taken **before 31 March 2005** or, in the case of an adopted child, the child's 18<sup>th</sup> birthday, if this is sooner.

**OR**

- ◆ Up to a maximum of 18 weeks for a child entitled to a disability living allowance who was born between 15 December 1994 and 14 December 1999. This entitlement lasts until the child's 18<sup>th</sup> birthday.

**Parents who are relying on a period of service with a previous employer in order to qualify for parental leave must provide evidence of the period s/he worked for the previous employer.**

5.1.2 Parents of a child born or adopted on, or after 15 December 1999, who have one year's continuous service with Uttlesford District Council have the following entitlement:

- ◆ Up to a maximum of 13 weeks' unpaid parental leave for each child born, to be taken before the child's fifth birthday,

**OR**

- ◆ In the case of an adopted child, up to a maximum of 13 weeks' unpaid parental leave, which may be taken up to five years after the child is placed for adoption or until the child is eighteen years old, whichever is the earliest.

**OR**

- ◆ Up to a maximum of 18 weeks for a child entitled to a disability living allowance. This entitlement lasts until the child's 18<sup>th</sup> birthday.

5.2 Definition of a Week: Whether full time or part time, and where an employee's working pattern does not vary, a week is the normal 'working week' worked by the individual. If the working pattern varies from week to week over a longer period, a week is the total hours of all periods in a year in which s/he works, divided by 52.

5.3 How Can Leave Be Taken?

5.3.1 Parental Leave must be taken in blocks of, or multiples of, a working week. Part weeks count as whole weeks. Parents of a disabled child may take Parental Leave in blocks or multiples of a single day.

5.3.2 There shall be a limit of 4 weeks' Parental Leave in any year, beginning on the date upon which the employee becomes entitled to the leave. This will either be the date of the child's birth, or date of adoption, or, after one year's continuous employment, as detailed in 5.2

5.3.3 Employees must give at least 4 weeks' notice of their wish to take such leave. If a period of more than two weeks is requested, staff must give at least double notice of the time requested (eg: 3 weeks' leave requires at least 6 weeks' notice).

Details of how to request parental leave can be found at Appendix 2: "The Procedure For Parental Leave".

5.3.4 The Council may postpone a Parental Leave request for up to a maximum of 6 months on grounds of operational requirements. The Council may not postpone a request where the leave is to be taken immediately after a child is born or placed for adoption; in such cases, 3 months' notice of the expected week of childbirth, or adoption, is required. However, please note that from 6 April 2003 employees who are the natural or adoptive fathers of a child born or placed with them for adoption on or after 6 April 2003 will have the right to take up to two weeks' paid paternity leave during the eight-week period beginning with the child's birth (or placement for adoption). For details, please see paragraph 7 'Paternity Leave'.

Where it is necessary to postpone a request for Parental Leave, Heads of Service must follow the procedure for notification within seven days of receipt of the request, found at Appendix 2, on the 'Parental Leave Request Form'.

- 5.4 Rights during Parental Leave: Employees' Contracts of Employment will continue, (including any employee financial undertakings in respect of car lease etc), and all contractual rights, other than salary, will be maintained during Parental Leave. On return to work an employee has a right to the same job. Both employee and the Council will be bound by the duty of good faith and confidentiality.

Pension rights remain. For periods of parental leave of 30 consecutive calendar days or less, employees must continue to pay their pension contributions, which must be paid at the standard rate on the pay that would have been received during that period.

- 5.5 False Claims: Abuse of the Parental Leave Scheme (eg by making false claims) will be considered to be a disciplinary offence.

## **6 TIME OFF FOR DEPENDANTS**

In accordance with the Employment Relations Act 1999, employees now have the right to "reasonable" time off to deal with an emergency or other unexpected situation which affects their dependants.

This Time Off for Dependants is unpaid.

- 6.1 Definition of a Dependant: A dependant is: an employee's partner, child, parent, or someone living as a dependant in the household. In some circumstances a dependant may also be someone who reasonably relies upon the employee for assistance; this may be where the employee is the primary carer or is the only person who can help in an emergency.
- 6.2 Circumstances Covered: Circumstances covered by the right to time off include:
- ◆ the breakdown of care arrangements
  - ◆ illness of a dependant

- ◆ injury or assault of a dependant
- ◆ the consequences of the death of a dependant
- ◆ the involvement of a child in a serious incident during school hours.

6.3 Existing Council Policies and Provisions: The circumstances defined as Time Off For Dependants are not intended to interfere with requests for Compassionate Leave. Paid leave, unpaid leave, special leave, Time Off In Lieu or hours to be “made up” later by agreement may be used singly or in combination, to provide the necessary flexibility for employees to cater for unexpected family emergencies:

Whilst it is not intended that current practices for coping with childcare problems be overridden/changed if they work satisfactorily within the spirit of the Parental Leave guidelines, in addition to the arrangements for bereavements and **serious** accident or illness covered in the Special Leave Policy, examples of ‘Time Off for Dependants’ versus Parental Leave are outlined below:

6.3.1 Example A

A child is unwell and cannot be taken to the nursery/child-minder,  
**Or**

The usual child care arrangements break down at short notice due to illness of the childminder:

Resolution to the Problem

The employee may be allowed to take some hours, to be “made up” later, by agreement, or take Time Off In Lieu

**Or:** a day’s leave

**Or:** unpaid leave for a brief period

**Or** a combination of the above, at short notice.

Managers should take a flexible approach to the available options.

Example B

A child is booked into hospital for pre-arranged treatment /an operation.

Resolution to the Problem

Parental Leave (in full weeks) should be requested in advance so that the employee may accompany the child as necessary. Additional ‘odd days’ may need to be taken as in the example above.

6.3 2 In more unusual situations, managers should seek guidance from the Personnel Manager in order to establish consistent and fair usage of flexible leave facilities.

**7 MATERNITY SUPPORT LEAVE/PATERNITY LEAVE**

The nationally agreed conditions of service include a facility for leave of 5 days with pay for a person nominated as carer of an expectant mother at, or around the time of birth. A ‘nominated carer’ could be an expectant mother’s partner, or mother in the absence of a partner, or a friend. Heads of Service may request a copy of the expectant mother’s MAT B1 certificate as confirmation of ‘nominated carer’ status.

From 6 April 2003, the above facility will continue to apply, and may be used by those employees who do not have the necessary length of continuous employment

with UDC to meet the requirements attached to the new entitlement to paternity leave, set out below:

- 7.1 Paternity Leave Eligibility (effective from 06.04.03): Paternity Leave will apply to employees who are the natural or adoptive fathers (or the partner of an adopting individual, if able to demonstrate that he is to share responsibility for the child's upbringing) of a child born or placed with them for adoption, who have been continuously employed by UDC for a period of not less than 26 weeks ending with the week immediately preceding the 14<sup>th</sup> week before the expected week of the child's birth.

The father-to-be or new father must demonstrate that he has (or will have) responsibility for the child's upbringing and that he is the child's biological father or is married (or partner) to the child's mother.

7.2 Entitlement: The right to take two weeks' paid paternity leave during the eight-week period beginning with the child's birth date (or placement with its new parents for adoption), one week's leave with normal pay (in accordance with terms and conditions, as set out above), and one week's leave paid as follows:

7.2.1 Statutory paternity pay (SPP), for fathers who have average earnings at least equal to the lower earnings limit for NI contributions, will be at the same standard rate as statutory maternity pay (SMP), ie currently £100 per week or 90% of the employee's average weekly earnings at that time, whichever is the lower of those amounts.

7.2.2 An eligible employee earning less than the lower weekly earnings limit for NI contributions is entitled to two weeks' statutory paternity leave, but will not qualify for statutory paternity pay (SPP) during the second week, although he may, however, have access to Income Support.

## **8 RECORDING OF ALL LEAVE OTHER THAN ANNUAL LEAVE**

In all cases, requests for time off must be discussed with line managers as soon as the date(s) are known. So that a full picture of staff absences may be maintained, the reason for, and type of, time off must be clearly identified and recorded by the designated officer on the form specifically for this purpose, entitled "Absence for reasons of: compassionate leave; public duties; reserve forces duties; interview leave; jury service/court attendance; study leave; paternity leave; maternity support leave" which is on the following page, and may be printed off on each occasion.

<b>SERVICE IN TERRITORIAL ARMY/NON-REGULAR FORCES</b>	<p><b>Uttlesford District Council</b></p> <p>If you are a member of the Territorial Army or a member of one of the Reserve Forces of the Armed Services, the Council will grant up to 5 days' paid leave of absence for you to attend annual camp. The Council reserves the right to make deductions from salary to match any allowances or expenses paid to you in respect of these five days.</p> <p>Any further leave required for your attendance at camp or for any other reason must be taken from: annual leave entitlement, unpaid leave, or accrued TOIL.</p>
	<p><b>Rochford District Council</b></p> <p>Volunteer members of the non-regular forces who attend Summer Camp will generally be granted 2 weeks paid leave, except:</p> <ol style="list-style-type: none"> <li>1. Where post entry training day release facilities are currently being granted; or</li> <li>2. Where the individual's Head of Service/Director has expressed dissatisfaction with the employee's performance.</li> </ol>
	<p><b>Epping Forest District Council</b></p> <p>Paid leave will generally be granted for two weeks' attendance at the annual camp. Before volunteering for service in the non-regular forces you must obtain the prior approval of your Head of Service.</p>
	<p><b>Basildon District Council</b></p> <p>For employees who are volunteer members of the Non-Regular Forces attending Summer Camp, additional leave of absence with pay is granted as follows:-</p> <p>Where the annual leave entitlement is 22 days – 10 days allowed  Where the annual leave entitlement is 24 days – 8 days allowed  Where the annual leave entitlement is 26 days – 6 days allowed  Where the annual leave entitlement is 27 days or more – 5 days allowed</p>
	<p><b>Harlow District Council</b></p> <p>You are entitled to two weeks additional leave with pay to attend Summer Camp. The Council will reclaim any wages paid to you by the Force concerned, up to the level of pay provided to you by the Council.</p>
	<p><b>Braintree District Council</b></p> <p>Employees are allowed up to two weeks additional paid leave for TA training.</p>
	<p><b>Luton</b></p> <p>It is discretionary but we usually given at least ½ time paid (i.e. the amount of time is usually matched by the employee from their annual leave) for things like <b>territorial army</b> training, help with disabled people attending holidays etc. they make a request and provide supporting evidence from the organisation. Have never been asked about special constables but off the top of my head would say we would apply and ½ and ½ rule for training, expect them to do the duty in their own time and if they were above scp 26 they would need our permission first.</p>



<b>SPECIAL CONSTABLES</b>	<b>Luton</b> It is discretionary but we usually given at least ½ time paid (i.e. the amount of time is usually matched by the employee from their annual leave) for things like territorial army training, help with disabled people attending holidays etc. they make a request and provide supporting evidence from the organisation. Have never been asked about <b>special constables</b> but off the top of my head would say we would apply and ½ and ½ rule for training, expect them to do the duty in their own time and if they were above scp 26 they would need our permission first.
	<b>Rochford</b> We give special leave for staff who are governors at schools or on a P.T.A. but not for special constables or any others than the norm.
	<b>Broadland</b> We give 9 days 'special leave' which is paid for these types of duties. This is currently being used for magistrates duties and by special constable. It could also be used for Territorial army service, duty with any other reserve forces of the Crown and School Governorship.
	<b>Fenland</b> We do not currently have any specials and no request have been made to date. I would be minded to support however as part of the safer community projects that are running.
	<b>Kings Lynn &amp; W Norfolk</b> We have joined the Norfolk Constabulary's 'Special's Through Employment Partnership (STEP) which means that new/existing specials can claim one paid day off per month to undertake their 'special' duties.
	<b>Norfolk County Council</b> Have set up an agreement with the Constabulary in 2001 regarding Special Constables. The Council allow all employees who were selected as a Special Constable to be released from work time for up to 8 hours per month. The Special Constables would also work another 8 hours per month in their own time. The 8 hours within work time would be paid and the other 8 hours unpaid.
	<b>Essex County Council</b> In our Leave Policy it states that where Special Constables are required for duty during working hours, paid leave of absence will be given.
	<b>South Norfolk</b> We allow one days paid leave per month.
	<b>Gt Yarmouth</b> One day per month (subject to the exigencies of the service) for Special Constables, as part of Norfolk Constabulary's STEP initiative

<b>PUBLIC DUTIES</b>	<p><b>Uttlesford District Council</b>          If you hold public office, for example, as a School Governor, Magistrate, Lord Mayor/Lady Mayoress, your EM may approve reasonable time off, with pay. This will depend upon the nature of the duties performed, and the opportunity for them to be undertaken in 'out-of-work' hours. Up to a maximum of five working days' leave with pay per annum may be granted, (ie pro-rata hours worked). It is anticipated that time off requested would normally be in hours, or single half or whole working days. If more than 5 days per annum are required, leave may be taken but without pay.</p> <p>Deductions from salary will be made to match any allowances or expenses paid to an employee in the course of such duties, which employees have a duty to claim.</p> <p><b>Rochford District Council</b>          Paid leave will be granted to employees who hold public positions in the following areas:</p> <ul style="list-style-type: none"> <li>i) Justices of the Peace</li> <li>ii) Members of a local authority</li> <li>iii) Members of a police authority</li> <li>iv) Members of any statutory tribunals</li> <li>v) Members of a health authority or a primary care trust</li> <li>vi) School or college governor</li> <li>vii) Members of the General Teaching Councils of England and Wales</li> <li>viii) Members of the boards of prison visitors</li> <li>ix) Members of the service authority for the National Criminal Intelligence Service of the National Crime Squad</li> </ul> <p>What duties are covered?          The duties for which an employer is required to permit reasonable time off are any of the duties of a justice of the Peace, or as regards membership of any one of the bodies listed above:</p> <ul style="list-style-type: none"> <li>• Attendance at meetings of the body or any of its committees or subcommittees</li> <li>• Performance of duties approved by the body which need to be done in discharging its functions or those of any of its committees or subcommittees</li> </ul> <p>What is reasonable time off?          The amount of time which an employee should be permitted to take off to perform these duties, and the occasion on which, and any conditions subject to which, time off may be taken, are those that are reasonable in all the circumstances, having regard in particular to the following:</p> <ul style="list-style-type: none"> <li>• How much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question;</li> <li>• How much time off the employee has already been permitted for this purpose or for trade union duties and/or activities; and</li> <li>• The effect of the employees absence upon service provision.</li> </ul>
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<b>PUBLIC DUTIES</b> <b>(cont../..)</b>	<p><b>Epping Forest District Council</b></p> <p>Employees who hold certain public positions can be granted a maximum of 10 days additional paid leave for the performance of their duties. Any balance of time required should be taken by staff as part of their annual leave. The positions covered by this arrangement are:</p> <ul style="list-style-type: none"> <li>• Justices of the Peace</li> <li>• Members of a local authority</li> <li>• Members of a police authority</li> <li>• Members of any statutory tribunals</li> <li>• Members of relevant health bodies (NHS trust, regional/district health authority)</li> <li>• Members of managing or governing bodies of educational establishments maintained by a local authority</li> <li>• Members of governing bodies of grant-maintained schools</li> <li>• Members of school boards or of the board of management of a self-governing school</li> <li>• Members of boards of visitors to prisons, remand centres and young offenders institutions</li> </ul> <p>Applications for leave for fulfilment of public duties must be made on an annual basis to Management Board.</p>
	<p><b>Basildon District Council</b></p> <p>Under Section 29 of the Employment Protection (Consolidation) Act, 1978, an employer is required to permit an employee to have reasonable time off during working hours to undertake duties consequent upon membership of public bodies.</p> <p>There is no statutory right for time off with pay; however the Local Government and Housing Act, 1989 makes it unlawful for a local authority to grant in excess of 208 hours paid time off in any one financial year, though this does not apply if the employee is elected, Leader, Mayor or Chair of a main committee of a Local Authority. If an employee is a member of a public body, leave of absence with pay may be granted by the appropriate Senior Manager to enable these duties to be undertaken. Examples of such public duties are as follows:</p> <p>Serving on an advisory Council, statutory tribunal, panel or other similar body (e.g. Board of Visitors for prisons, remand centres).</p> <p>Membership of a non-political organisation whose principal objectives include the improvement of the standard of Local Government services, to enable attendance at the meetings of the organisation. –</p> <p>A Justice of the Peace, a member of a Local Authority (See Human Resources Procedure Note 1.1.4 on Politically Restricted Posts for further information on limits applied), a member of a Local Authority elected as Leader, Mayor or Chair of a main committee.</p> <p>Fulfilling other duties of a public character for which they are duly elected or appointed. For example, School Governors and Special Police Constables.</p> <p>A Parliamentary candidate. If elected, they are either to resign or to have grant of unpaid leave for two years or the life of the Parliament, and the subsequent election campaign, whichever is the longer.</p> <p>An employee representing his/her country in a sport etc.</p>

<b>PUBLIC DUTIES (cont../..)</b>	<b>Harlow District Council</b> You may take up to 12 days paid leave per annum for the purposes of sitting as a JP, as an elected Councillor for another Local Authority, or as a School Governor.
	<b>Braintree District Council</b> School Governors – up to a maximum of 5 days paid leave per annum, but with the possibility of up to another 5 days taken by Annual Leave/Flexi/TOIL or unpaid leave. Magistrates – expected to take leave out of own time (i.e. annual leave, flexi leave, TOIL or unpaid leave).
<b>BLOOD DONOR'S LEAVE</b>	<b>Uttlesford District Council</b> We actively support and publicise and encourage staff to attend. Flexi time can be used.
	<b>Rochford District Council</b> Time off for blood donor purposes is allowed at your Head of Service/Director's discretion to attend local public sessions during working hours.
	<b>Epping Forest District Council</b> Staff are also able to take leave to take part in blood donation, marrow donation etc.
	<b>Harlow District Council</b> You can give blood in working hours and you may be requested to show proof of appointment to your Manager.
	<b>Braintree District Council</b> The Authority encourages employees to donate blood, accordingly, staff are allowed paid time off to attend blood donating sessions.
<b>INTERVIEW</b>	<b>Uttlesford District Council</b> Employees may, with the agreement of their EM, take a half day as paid leave to attend an interview with another local authority, up to a maximum of four times per annum. Time in excess of half a day (per occasion) must be taken as annual leave (or the equivalent, as confirmed by HR)
	<b>Rochford District Council</b> Where an Officer required special leave to enable them to attend for interview, such leave shall be at the discretion of the Head of Service/Director and limited to not more than three days in each year, any subsequent leave required must be deducted from the Officer's annual leave entitlement.
	<b>Braintree District Council</b> Reasonable paid time off will be granted to employees to attend job interviews for public sector posts.

<b>JURY SERVICE/ WITNESS AT COURT</b>	<p><b>Uttlesford District Council</b> Any attendance at court as a juror or witness is compulsory for whatever period of time is required by the court, and will be with normal contractual pay. Where an allowance is claimable for loss of earnings, the employee is required to claim and pay the allowance to the Council.</p>
	<p><b>Rochford District Council</b> .An Officer receiving a Summons to serve on a Jury must report the fact to their Head of Service/Director who will grant leave of absence unless exemption is secured. An Officer serving as a Juror must claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowance Regulations currently in force. The Council will then deduct from the Officer's full pay an amount equal to the allowance received. Staff must return to the office if not required by the court on any particular day and should keep their Head of Service/Director advised of the anticipated length of absence.</p>
	<p><b>Epping Forest District Council</b> If you receive a summons to serve on a jury you must report this fact to your Head of Service who will grant leave of absence unless, for some reason, exemption is secured.</p> <p>When serving as a juror you should claim the allowance for loss of earnings to which you are entitled under the Juror's Allowances Regulations. The Council will then deduct an amount equal to that allowance from your pay.</p>
	<p><b>Basildon District Council</b> Employees receiving a summons to serve on a jury must report the fact and show a copy to their Supervisor or Line Manager, who will grant leave of absence unless exemption is secured.</p> <p>Employees shall claim an allowance for loss of earnings to which they are entitled under the Juror's Allowance Regulations, currently in force. The Council deducts an amount equal to the allowance received from the employee's full pay.</p> <p>Employees must be made aware that if they are dismissed by the Court at any time during the day which permits return to work, then they must return.</p>
	<p><b>Harlow District Council</b> If you serve as a Juror you must claim the allowance for loss of earnings and pass the form to the Council's Payroll Section. The Council will then deduct this amount from your full pay.</p>
	<p><b>Braintree District Council</b> Employees are entitled to time off with pay to undertake Jury Service. Any fees paid (excluding travel expenses) to the individual by the Court for Jury Service, duties should be recouped by the Authority.</p>

<b>STAFF REPRESENTATIVES</b>	<p><b>Uttlesford District Council</b></p> <p>The following list sets out activities which would be considered for time off with pay:-</p> <ul style="list-style-type: none"> <li>(b) Consultation and representation with union members about individual grievances, disciplinary matters, grade or salary appeals, local negotiations, redundancy situations and relevant welfare matters.</li> <li>(c) Meetings with Management</li> <li>(d) Meetings with the Local Joint Committee including any prior meeting of the employees' side of the Local Joint Committee</li> <li>(e) Formal meetings with fellow Trade Union officials to discuss industrial relations matters directly affecting the employer.</li> <li>(f) Official Branch Executive Meetings up to a maximum of 6 meetings per year, (any meetings in excess of this number must be approved by the EM HR).</li> <li>(g) Specific projects which have been authorised by Management. For example, for Single Status negotiations, half a day a month has been agreed for meetings with Management and up to a day a month to research key employment issues and to prepare for meetings with Management.</li> <li>(h) Attendance at meetings of the Regional Council for Local Authority Employees.</li> <li>(i) Relevant training.</li> <li>(j) One annual national union meeting or conference may be attended by one Trade Union Representative. NB no payment or time off in lieu will be given to representatives for union duties undertaken during their normal working hours.</li> </ul> <p>The following activities will not be paid for and permission to attend must be requested in writing to your EM at least four weeks prior to the event. The decision will be based on service needs.</p> <ul style="list-style-type: none"> <li>(a) Political demonstrations or parliamentary lobbies organised by the unions</li> <li>(b) Membership campaigns</li> </ul> <p>The Council recognises that Trade Union Representatives need to possess skills and knowledge to carry out their duties effectively and that in addition to the practical experience obtained from holding office, they should undertake appropriate training. However, service priorities will be taken into consideration. Training should be relevant to the industrial relations duties of the Trade Union Representative and must be approved by the TUC and/or their Trade Union. Requests to attend training should be made at least four weeks before the training is due to start. Applications should be made to the individual's EM and notification forwarded to the EM (HR).</p>
	<p><b>Rochford District Council</b></p> <p>Leave will be granted for attendance at meetings of national, regional and local staff representative organisations, including reasonable travelling time. Time off will also be granted for Local Joint Staff Committee meetings.</p>

<p><b>STAFF REPRESENTATIVES (cont../..)</b></p>	<p>It is accepted that the above facility time will be properly funded by the Council and that there will be an agreed cut-off point above which employees will not be eligible to be afforded routine facility time. The cut off point currently proposed is Grade 12. However, this grading can be reviewed as necessary by agreement between the Employers' and Union Side. Employees elected at Grade 12 or below would suffer no financial detriment as a consequence of their trade union duties. The amount of time off and the events/meetings attended be recorded on time sheets and submitted monthly to the Head of ESD by the Leading Spokesperson, Leading Steward and Convener (Craft Workers). A summary of this information would be available to the Chief Executive as part of his/her preparations for agreeing the amount of facility time annually with the unions.</p> <p>That from time to time it will be desirable and/or necessary far facility time to be made available for Union Representatives to attend events outside the Council in connection with the interests of their members subject to prior agreement with the Head of ESD. A list of agreed events will be compiled. Time off nevertheless will be subject to the consent of their line manager in terms of attendance not being detrimental to the needs of the service. Those outside this list would need to be considered as they arose by the Head of ESD.</p> <p>It is accepted that all other terms of the Facilities Agreement remains unaffected unless and until it is amended through these or other proposals being agreed by a Joint Negotiating Committee.</p> <p><b>Braintree District Council</b> Allowed reasonable time off to attend courses/conferences etc</p>
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