

CRANFIELD PARISH COUNCIL

Section 4

Leave, Pensions and other Terms and Conditions

1. Policy Statement.

Employees are encouraged to take their full annual leave entitlement each year and are required by law to take at least 20 days (or the equivalent) paid leave annually. Employees should be allowed to take approved leave undisturbed, unless it is essential to cancel or postpone it. Managers and staff should try to arrange annual leave taking into account the needs of other employees and the Council and should bear in mind that absolute preference to any particular person may cause unfairness to others. There is also a need to deal with annual leave, special leave, maternity leave and parental leave, pension arrangements, and other allowances in a fair and consistent way.

This policy applies to all employees and provides details of entitlements and the procedures to be followed.

2. Annual Leave Entitlement.

Employees who work 5 days per week are entitled to a minimum of 28 days paid leave per annum of which 20 are Annual Leave and 8 are Public Holidays. For those employees who work a normal 6 day working week paid leave entitlement is 32 days per annum of which 24 are Annual Leave and 8 are Public Holidays. In accordance with the Working Time Directive, all employees are required by law to take at least 20 days paid annual leave each year. In this case, the 8 Public Holidays count towards the 20-day requirement and are taken as prescribed.

These amounts of leave are minimums only and individual contracts may vary. However, the maximum annual leave allowance is 25 days plus 8 bank holidays that would normally be allowed after 5 years service.

3. Leave Year.

There is no fixed annual leave year; normally it will run from the 1st of the month in which the individual employees commenced work.

4. Part-Time Employees.

Part-time employees are entitled to paid annual leave proportionate to the number of days worked in the week e.g. part-time employee working 3 days a week is entitled to 12 days exclusive of Bank Holidays. If the part-time employee works reduced hours each day this should not affect the calculation e.g. 25 hours per week, 5 days a week at 5 hours per day gives an allowance of 20 days. The calculation of annual leave in hours should be resorted to only when the pattern of work is so variable that it is impracticable to calculate it in days.

The way in which entitlement of part time employees to public holidays is calculated is set out in part 6 of this section.

5. **Temporary (casual and fixed term) Employees.**

Temporary employees are entitled to 23 days paid leave per annum inclusive of Public Holidays. Paid leave may be taken at the rate of one-twelfth of the employees annual leave allowance for each completed month of service. Fractions of a day should be rounded up to the nearest half or whole day. The Manager (Clerk to the Council) in discussion with the Chair of the HR Committee has the discretion to allow temporary employees to anticipate leave beyond the limits indicated above.

Temporary employees are entitled to public holidays, but are not entitled to special leave with pay, except to attend antenatal clinics. Temporary employees under notice of discharge should not be granted paid leave, which, together with leave already taken, would exceed that to which they are entitled.

Some temporary employees on a fixed term contract with special terms and conditions may be subject to different leave arrangements. The Manager (Clerk to the Council) in discussion with the Chair of the HR Committee has discretion to stipulate the leave entitlement of these employees as part of the terms and conditions of employment. The entitlement must comply with the statutory requirement that entitles all employees to at least 20 days paid leave inclusive of Bank Holidays

6. **Public Holidays.**

In addition to annual leave, all employees are entitled to public holidays proportionate to the days/hours worked.

The 8 public holidays are:

New Years Day
Good Friday
Easter Monday
May Day (the first Monday in May or however designated by government)
Spring Bank Holiday (Whitsun)
Late Summer Bank Holiday (August)
Christmas Day
Boxing Day

For employees who work 5 weekdays, alternative days will be allowed when Christmas Day, Boxing Day or New Years Day falls on a Saturday or Sunday.

Part-time employees who work the same number of hours each day during a 5-day week will be entitled to all public holidays. Part-time employees who work less than 5 days a week will be allowed proportionate time off according to their weekly hours of work. This is irrespective of the total number of hours actually worked or whether they would normally have attended on those days or not. These arrangements will also apply to part-time employees working 5 days per week not all of which are equal hours (for example 4 full days and 1 half day).

7. **General Procedure.**

Annual leave may not be taken without prior permission and as much notice as possible should be given. Applications for leave, other than a day or half day, should be made at least a week before the leave is required.

An application for leave should be made on Application for Leave Form, see Appendix 4A, and both the employee and manager should keep an authorised copy of the form. Alternatively, an electronic record may be kept. Annual leave may be taken in half days. Where a half day is taken, attendance is required for half the net hours to be worked on that day of the week.

An employee may not claim to have their leave at particular periods of the year. However subject to the Council's needs, they should be allowed some measure of selection. Employees should be given the opportunity, subject to entitlement, to take two weeks leave during the summer months.

8. **Cancellation or postponement of leave.**

If it becomes necessary for a manager to cancel or postpone an employees leave this must be authorised by the Chair of the HR Committee. This situation should only occur in exceptional circumstances and only when the Chair of the HR Committee has fully considered all other options and the implications of a cancellation and discussed the matter with the Chair of the Council.

Managers should check well before the end of the leave year, how much remains to be taken before the end of the leave year and should ensure that leave allowance is not exceeded.

9. **Sick Absence.**

Annual leave will not be granted immediately following a period of sick absence unless the employee produces a statement by a qualified medical practitioner of fitness to return to work. Annual leave may not be taken instead of sick absence.

10. **Carry Over of Annual Leave.**

Annual leave may only be carried over from one leave year to the next, in exceptional circumstances such as if leave in the last month has been cancelled or the employee was sick towards the end of the leave year. The maximum amount that can be carried over is 2 days and is subject to the approval of the council

11. **Leaving Employment.**

On termination of the employees' appointment with Cranfield Parish Council, the leave form or electronic records must be checked and should show all leave taken up to the final date of service and be noted to show the number of days for which any cash payments or deductions should be made.

Leave allowance due to employees who resign, retire or are made redundant during the course of the leave year is the amount that they will earn between the beginning of the leave year and the last day of service, any fraction being rounded up to the next half day.

Leave outstanding on resignation or retirement must normally be taken before the last day of service. Payment in lieu of untaken leave will be made only when the employee has been specifically prevented from taking leave by the Council.

Employees under notice of dismissal should be required to take all outstanding leave within the period before their last day of service. No payment will be made for any untaken leave that might remain. However, this is waived for employees whose appointment is terminated during their first year of appointment. If employees are instantly dismissed for gross misconduct, there will be no payment for accrued leave.

Employees who leave and have exceeded their annual leave allowance will be required to refund from salary an amount equivalent to the number of days leave in excess of the allowance.

12. Special Leave for Parental Responsibilities

In recognition of the need to allow some degree of flexibility to parents of young, recently adopted and disabled children, the Employment Relations Act 1999 provides a statutory right to parental leave, to deal with their health and wellbeing.

Parental Leave is the right to 13 weeks unpaid leave to look after a child. The reasons for the leave do not necessarily have to be connected with the child's health, although in the case of disabled children it is recognised there may be the necessity to attend more frequent medical appointments. Taking time to settle a child into a new playgroup, for instance, could also be covered by the new provisions.

It will apply to all employees who have completed 1 years' service with Cranfield Parish Council, who have children born or adopted after 15th December 1999. These rights will apply to both mothers and fathers, or to a person who has obtained formal parental responsibility under the Children's Act. In the case of multiple births, thirteen weeks will be available for each child. People who work part time will be entitled to parental leave on a pro-rata basis. For example, someone who works a two-day week would have the right to twenty-six days leave.

The employee has the right to take up to 13 weeks unpaid Parental Leave for each child, until the child's fifth birthday, or until 5 years have elapsed following placement in the case of adoption. Parents of disabled children will be able to use their Parental Leave over a longer period, until the child's 18th birthday.

After taking Parental Leave, the employee must be given his or her old job back at the same rate of pay. The employee will keep all other rights, terms and conditions after they return from Parental Leave. If Cranfield Parish Council has to make people redundant, the employee on Parental Leave must be treated as if he or she was working normally.

Applications for Parental Leave must be made to the Chair of the HR Committee using the application form at Annex 4B. When making an application, employees should remember that Parental Leave can only be taken in blocks of one week. Any time taken for Parental Leave of less than a week will be counted as a full week for recording purposes. There may be an occasion when an employee will need to take the full entitlement to Parental Leave at one time. If this is the case the Chair of the HR Committee should first consider the business needs of the Council before deciding if the request can be granted.

A minimum of four weeks' notice must be given when applying for Parental Leave. Where employees wish to take more than two weeks at any time, they must give notice of no less than twice the amount of time they wish to take. There may be exceptional circumstances where the full notification period cannot be given. This is a matter of discretion of the Chair of the HR Committee.

In the event that a request is refused the Chair of the HR Committee may only postpone the leave until such a time as it is convenient for the leave to be taken and, in any event, it cannot be postponed for more than 6 months. If this means that the leave is postponed beyond the five-year limit, the parent still has a right to take it. Where an application for leave has been refused, the employee may appeal to the Chair of the Cranfield Parish Council.

13. Special Emergency Family Leave.

In addition to the right to a period of parental leave, the Parental Leave Directive contained a right to time off in family emergencies. The Employment Relations Act 1999 gives effect to the measures that allow employees a reasonable amount of unpaid leave to deal with incidents involving a "dependant". A dependant is defined as employee's parent husband or partner, child or someone who lives as part of the family, for example, somebody for whom the employee is the main carer.

Special Leave for emergencies with dependants other than children is covered in Paragraph 14 below. Such special leave as allowed for in the Act is unpaid.

The Chair to HR Committee has discretion to allow an employee with a young family special leave with pay in order to nurse a sick child, if no other arrangements can be made. The amount of paid leave should not exceed 1 week in any 1 year. A Medical Certificate should normally be produced to confirm the requirement for leave. At the Chairs discretion, unpaid leave may be authorised as necessary after paid special leave and Parental Leave have been exhausted

Up to 1 weeks special leave with pay may be authorised by the Chair of the HR Committee to an employee when exceptional or unforeseen domestic difficulties arise at the time of the birth of a child, or immediately afterwards.

Unpaid Special leave may be granted to deal with an unexpected incident involving a dependent child during school hours, or on a school trip. It may also be used, subject to the needs of the Council for employees who cannot make other arrangements for the care of their school-age children, included step, adopted and foster children. It is a condition that employees must take part of their annual leave during the school holidays to reduce the amount of special leave without pay required and the annual leave should precede the period of special unpaid leave. Part-time working may be granted as an alternative to special leave without pay if that is preferable to the Council and the individual.

The employee must return to work following the period of special leave unless the Chair of the HR Committee has agreed that it may be extended. Failure to return without a good and justifiable reason may result in disciplinary action being taken.

Whilst Parental Leave is recorded on a Parental Leave Record Slip, a record of any special leave (with or without pay) must be noted on the annual leave slip Annex 4A as an addition to the annual leave allowance.

14. **Other Special Leave**

Special Leave with pay, which is not connected with parental responsibilities, is not an entitlement and is in the discretion of management. However, it is recognised that there will be occasions when special leave may be appropriate in particular circumstances. The Manager should take into account the following when considering any application:

- the reason for the request;
- the business needs of the Council;
- the length of time requested;
- the employee's remaining annual leave entitlement;
- if the employee has taken special leave on a previous occasion;
- the employee's attendance, performance, and disciplinary record;
- whatever alternative arrangements could be made by the employee;
- the employee's time in the job.

In every case the Manager must be satisfied that the circumstances of the particular case justify the concession.

The employee must return to work following the period of special leave unless the manager has agreed that it may be extended. Failure to return without a good and justifiable reason may result in disciplinary action being taken.

A record of any special leave must be noted on the annual leave slip as an addition to the annual leave allowance.

Reasons why special paid leave may be granted are as follows;

- Bereavement of a close relative;
- Domestic reasons such as flood or fire to an employee's home;
- Medical appointments subject to the production of a hospital medical card;
- Other appointments such as dentist, doctor, optician, or to give blood. Such appointments should be made for either the beginning or end of the day to minimise time off;
- Illness of a close relative or dependant. This would normally be limited to an elderly relative. Illness of a child of the employee would be dealt with under Paragraphs 12 and 13 above.
- Other unforeseen difficulties;
- Training of Safety representatives. See Health & Safety Policy at Section 5.

Reasons why special unpaid leave may be granted are as follows;

- To help when a dependant falls ill or is injured;
- To cope when the arrangements for caring for a dependant unexpectedly break down;
- When a dependant gives birth;

Special unpaid leave may be granted in other exceptional circumstances. The needs of the organisation will be considered first and such unpaid leave is at the discretion of the Manager. The only exception to this is in respect of Jury Service or as a Court Witness, which will be granted as Special unpaid leave for the duration of the Jury service or requirement to appear at Court.

15. **Jury Service.**

Employees are required to notify the Building Manager immediately upon receipt of a Jury or Witness Summons, giving details of dates they are required to attend court. Whilst on Jury Service, or attending at Court as a witness the employee is required to keep in regular contact with the Building Manager to advise on when they are likely to return.

Employees are expected to return to work immediately following their release from Court. Employees are reminded to ensure that they claim all expenses, including loss of earnings to which they are entitled.

16. **Maternity Leave**

All employees are required to give notice before taking maternity leave. At least 21 days before the employee wishes to start her maternity leave, or as soon as is reasonably practicable, she must inform the Building Manager:

- that she is pregnant;
- her expected week of childbirth with a medical certificate; and
- when she wishes to start her maternity leave

Maternity benefits to which pregnant woman are entitled vary depending on their length of service and employment status and can broadly be summarised as follows;

All pregnant employees are entitled to 18 weeks ordinary maternity leave, regardless of length of service with Cranfield Parish Council, hours worked, or employment status, during which they are entitled to all contractual benefits except wages. After the 18 week period, they are entitled to have the same job and the same terms and conditions as if they had not been absent. Because a period of ordinary maternity leave is unpaid a woman does not have to take the full 18 weeks, but must take at least 2 weeks after the birth.

A woman with 1 years service at the start of maternity leave may be entitled to Statutory Maternity Pay and, if they intend to return to work, contractual paid maternity leave and unpaid leave. Women with 40 weeks service by the expected date of birth may be entitled to Statutory Maternity Pay.

17. **Statutory Maternity Pay (SMP) and Maternity Allowance**

Statutory Maternity Pay is the minimum amount payable during maternity leave for employees with at least 26 weeks continuous service by the Qualifying Week (i.e. the 15th week before the expected week of childbirth). This is a nation-wide benefit paid by employers on behalf of the Government. SMP is payable for a maximum of 18 weeks, and is paid through an employee's normal salary.

SMP is payable at 2 rates. The higher rate is 90% of the average weekly earnings and is payable for 6 weeks. The lower rate, payable for 12 weeks, is reviewed each year and is linked to Statutory Sick Pay rates.

If a woman does not qualify for SMP, she may be eligible for Maternity Allowance, which is also payable for a period of up to 18 weeks provided she is not working. The allowance, which the employee will have to claim direct from the Benefits Agency, is payable for the same period as SMP and is the same amount as the lower rate of SMP.

18. Additional Maternity Leave

Additional Maternity Leave is any absence, which is additional to Ordinary Maternity Leave, and is due to pregnancy and childbirth, to employees with more than one years' service by the 11th week before the expected week of childbirth.

Leave may begin 11 weeks before the week of the expected birth and the total period of absence may continue for up to 29 weeks after the week during which the actual birth occurred. More detailed information is available from the Benefits Agency.

Where an employee decides to take additional maternity leave, she must inform the Chair of the HR Committee to let him/her know the child's date of birth so that arrangements can be made for her return.

19. Statutory Right to Return to Work

In accordance with the Employment (Consolidation) Act 1978, as amended by the Trade Union Reform and Employment Rights Act 1993, a woman who is absent from work because of pregnancy or childbirth has the statutory right to return to work in the same job, as long as she returns at the end of the 18 week Ordinary Maternity Leave or before.

Additionally, a woman has the statutory right to return to work in the same job and working the same hours at any time before the end of a period of 29 weeks from the week in which the baby is born.

To assist Cranfield Parish Council manage the business it is expected that employees will normally give 1 months notice of the date of intended return to work. This in no way affects the employees statutory rights.

20. Stillbirths

If the baby is stillborn before the 25th week of pregnancy, i.e. earlier than the 16th week before the Expected Week of Confinement (the week in which the baby was due), Statutory Maternity Pay is not payable. In these cases consideration should be given as to whether Statutory Sick Pay is due instead.

If the baby is stillborn after the start of the 16th week before the Expected Week of Confinement, Statutory Maternity Pay is payable as for a live birth.

21. Working from Home Allowances and Requirements

Cranfield Parish Council employees may work from home with the express permission of the Council. In such circumstances, the employee will be entitled to certain allowances. Common sense applies here but in certain circumstances, employees may be entitled to claim a proportion of telephone and internet costs. They can also be reimbursed for stationery, printer ink etc. that is used on official business. Employees must also ensure that the Home Insurance is notified that the employee is working from home. In such circumstances a copy of the insurance policy must be provided to the Council. In addition, the Council will pay any additional premium charged for the extra cover.

22. **Car and Travel Allowances**

Cranfield Parish Council employees may claim travel expenses at the appropriate laid down rate where they use their car or public transport on Council business. This does not include travel from home to work. For those working from home expenses may be claimed for attendance at Parish Council meetings. When expenses are claimed, the proper forms must be completed and approved by the Chair of the Council. Where an employee uses his or her car regularly on Council business, they must ensure that they have business car insurance. The Council will be supplied with a copy of the policy and if there is an additional cost for this, it will be reimbursed by the Council.

23. **Pensions**

Cranfield Parish Council encourages all its employees to take out a pension. The Council will always abide by statutory requirements as laid down by the Pensions Regulator. The Council operates a pension scheme and all employees are entitled to enrol in the scheme even if the employee does not work sufficient hours to be automatically enrolled. If automatic enrolment does not apply, the employee will be given the option to join the scheme. If they do not wish to do so, they must opt out in line with the regulations. The Parish Council will contribute to the pension scheme in line with the regulations.

24. **Responsibility.**

All people referred to within the scope of this policy are required to adhere to its terms and conditions.

ANNEX 4A.

Annual leave allowance.....days Leave year ends.....

[illegible]

ANNEX 4B.

Job title.....

Leave applied for.

Leave

11

