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## Leave of Absence Policy

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## 1. **INTRODUCTION**

The Council's annual leave entitlement and flexible working arrangements should normally be sufficient to provide enough time off to meet the personal needs of most employees. Additional leave may be granted to employees in the circumstances outlined below.

Chief Officers should ensure that these provisions are applied fairly and consistently to all employees. In cases of the Corporative Management Team, the Chief Executive will exercise discretion.

All Leave of Absence Requests must be submitted using the attached pro-forma (see Appendix 1).

## 2. **EMERGENCY LEAVE**

Employees with a caring responsibility for dependant(s) are able to request time off to deal with an unexpected or sudden problem in relation to a dependant, and make any longer term arrangements.

A dependant can be the:

- child
- parent
- partner

Emergency leave is not intended to cover cases of illness or injury (leave, flexi, TOIL or unpaid leave must be used), unless they are of a **serious** nature. A sudden breakdown in care arrangements will also be covered but this does **not normally** extend to notified School closures as these are generally known in advance.

In the event of an unforeseen situation occurring, no more than 1 working day can be taken at any one time to deal with an emergency. In addition, no less than ½ day can be deducted from the emergency leave entitlement at any one time.

Employees are allowed to make application for up to 5 days Emergency Leave over a rolling 12 month period (starting from the date of the first request) on a paid basis for dealing with emergencies. After paid emergency leave is exhausted, further **unpaid** emergency leave can be requested.

Employees must make a request in writing to their manager who will authorise the request as soon as is reasonably practicable. Employees **must** also get verbal authorisation from their manager **prior** to taking emergency leave. If their direct manager is unavailable, they should seek authorisation from another appropriate manager.

### **3. BEREAVEMENT LEAVE**

When a death occurs to an employee's spouse or civil partner, partner (opposite or same sex), parent, stepparent, children or stepchildren, or grand-child (where the employee is the primary carer) then the employee may take bereavement leave with pay from the day of death to the day of the funeral or to make funeral arrangements.

In certain circumstances an employee may be responsible for making the funeral arrangements for someone other than a parent, partner or child. In such circumstances, leave with pay may be granted from day of death to day of funeral.

The employee should discuss the situation with their line manager and the number of days bereavement leave required agreed. The line manager will then confirm the amount of leave required in writing.

In the case of the death of other relatives, employees may be entitled to bereavement leave with pay for the day of funeral. This time off will be considered by the employees line manager on a case-by case basis.

The Council appreciates that death of a family member can have a significant impact on an employee and recognises that additional non-paid time off may be granted. Application for unpaid leave should be made to the employees Service Director.

### **4. UNPAID PARENTAL LEAVE**

Parental leave is a right to take time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between work and family commitments. The leave is unpaid.

#### **Entitlement to Parental Leave**

Employees are entitled to 13 weeks unpaid parental leave if:

- they have at least one year's continuous service with the Council
- they have a child under the age of five, a child who is disabled and under the age of 18, or a child who was adopted within the past five years and is under the age of 18
- they have - or expect to have - parental responsibility for the child

**NB** - an employee is entitled to 18 weeks' unpaid parental leave if their child is entitled to receive disability living allowance.

## **Evidence of entitlement to Parental Leave**

Evidence may take the form of a child's birth certificate, papers confirming a child's adoption or the date of placement in adoption cases, or in the case of a disabled child, the award of disability living allowance. The relevant document only needs to be shown once for each child at the time of the initial request. A photocopy should be taken and attached to the parental leave log for the member of staff concerned.

## **Leave and Pay**

Each parent can take 13 weeks parental leave for each child over a five-year period. This means that both mothers and fathers, if they have twins or adopt more than one child at a time, can both take 13 weeks' unpaid leave for each child over the first five years of parenting.

An employee can take leave in blocks of one week or more, up to a maximum of 4 weeks in a year for each child, up to the child's 5<sup>th</sup> birthday. This also applies to adoptive parents up to the 5<sup>th</sup> anniversary of adoption or 18<sup>th</sup> birthday of adopted child whichever is the sooner.

Parents of children who have been awarded Disability Living Allowance can take the leave over the first 18 years of the child's life.

At the discretion of a Director, this unpaid leave can be taken in days or shorter periods than a week for children who receive Disability Living Allowance.

Under this scheme parts of a day cannot be taken as unpaid parental leave.

One week's parental leave is equal to the length of time that an employee is normally required to work in a week. Consequently, employees working on a part time basis or who are in a job share arrangement are entitled to pro-rata parental leave.

Some employees' working patterns vary from week to week. In such cases, an average working week needs to be calculated as a fraction of the period for which he or she is required to work in a year.

Under no circumstances can Parental Leave be paid.

## **Terms and Conditions during Parental Leave**

Some terms and conditions of employment continue to apply during periods of parental leave.

An employee is entitled to benefit from our implied obligations of trust and confidence during parental leave, and any contractual terms and conditions relating to:

- notice periods
- any compensation if the member of staff is made redundant
- the Council's disciplinary or grievance procedures
- other terms and conditions of service

**Managers will notify employees if their post is to be affected whilst they are on parental leave.**

### **Returning to work after Parental Leave**

At the end of parental leave, an employee is guaranteed the right to return to the same job as before if the leave was for a period of 4 weeks or less.

If it was for a longer period the employee is entitled to return to the same job or if that is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the old job.

When parental leave lasts for 4 weeks or less and it follows ORDINARY MATERNITY LEAVE, the woman is entitled to return to the same job. If the period is for more than 4 weeks, a woman is entitled to return to the same job, or if that is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the old post.

When parental leave lasts 4 weeks or less and it follows ADDITIONAL MATERNITY LEAVE, the woman is entitled to return to the same job she would have been entitled to return to after her additional maternity leave period.

The employment contract continues during an absence of parental leave, unless it is terminated by the Council or the employee. This means that an employee continues to benefit from his or her statutory employment rights during parental leave.

An employee returning to work after parental leave is entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) which may have been introduced for his or her grade while s/he has been away.

### **Parental Leave and Redundancy**

An employee will be treated the same as any other employee when a redundancy situation arises. This includes treatment relating to consultation about the redundancy and consideration for any other job vacancies.

## **Notice Provisions**

In normal circumstances, a member of staff needs to give a minimum of 21 days notice, giving the dates when the leave is to start and finish. The appropriate manager must record this request and the dates at the time of the request. **Managers will respond to the employees request in writing.**

## **Postponement provisions**

If a Director or his/her representative considers that an employee's absence would unduly disrupt the service, then the Director can postpone the leave for no longer than 6 months after the beginning of the period that the employee originally wanted to start his or her parental leave, and must offer alternative dates with equivalent length of leave to the employee's original request.

The postponement decision must be discussed with the employee, before notice of the postponement is made in writing.

When an employee applies to take leave immediately after the birth or adoption of a child, the leave cannot be postponed. The employee needs to give at least 21 days notice before the beginning of the expected week of childbirth.

In the case of adoption, the employee needs to give 21 days notice of the expected week of placement.

## **5. STUDY LEAVE**

Please see Training and Development Policy for further details.

## **6. SPORTING ACTIVITY LEAVE**

All requests for Leave of Absence for sporting activities **must** be agreed with the appropriate Group Director prior to the event.

All employees will be eligible for up to 5 days leave with pay in any one financial year for representing the Council or their Country in sporting events.

## **7. ELECTION DUTIES**

All employees involved with election duties for Rhondda Cynon Taf Council i.e. Senior Election Staff, Presiding Officers, Poll Clerks, Count Assistants are entitled to paid time off to perform their duties. This does not apply if employees are involved with election duties for any other Council.

Employees involved in this process **must** provide the appropriate letter confirming their appointment to their manager prior to the election.



## 8. **HOSPITAL/MEDICAL APPOINTMENTS**

Employees will be allowed time off to attend hospital appointments but **must** provide their manager with their appointment card/ letter prior to the appointment.

Time off **does not** extend to appointments outside those arranged by the hospital e.g. GP, Dentist, Physiotherapist appointments, although this list is not exhaustive. If 'specialist treatment' is required within a GP surgery then time off will be considered by the Director.

## 9. **ATTENDANCE AT COURT**

Employees who are requested or summonsed by a Court to attend as a witness will be given paid time off. Employees **must** provide the letter requesting their attendance to their manager prior to the court hearing.

Those who are required to attend court for any other reason will be given unpaid leave of absence.

## 10. **SERVICE IN NON-REGULAR FORCES, TERRITORIAL AND AUXILIARY FORCES AND ROYAL OBSERVER CORPS**

Volunteer members of the non regular forces shall be granted up to 2 weeks additional leave with pay, to attend to volunteer duties.

Under the Reserve Forces Act 1966, volunteers may be required to undertake training up to 16 days per annum usually on Saturdays and Sundays. Territorial Army and Volunteer Reserve Units should be in a position to offer alternative dates and the onus is on the employee to try to arrange for training to be undertaken at off-duty times. If this is not possible, the employee should give alternative dates to his/her Chief Officer, so that mutually acceptable dates for absence may be found. **Please note that if individuals undertake volunteer duties with cadet groups then time off will be without pay.**

## 11. **JURY SERVICE**

Where an employee is required to attend for Jury Service then the appropriate Director will grant paid leave of absence for the whole period of service.

An employee must claim 'loss of earnings allowance' and this amount will be deducted from the employee's salary/wages.

## **12. PUBLIC SERVICE LEAVE**

Under the Employment Rights Act 1996 an employee who is a:

- Justice of the Peace
- Member of a Local Authority
- Member of a Statutory Tribunal
- Member of a National Health Service Trust, an area, district or regional health authority or a family practitioner committee
- Member of a board of visitors for prisons, remand centres, young offender institutions
- Member of a police authority, appointed under the Police Act 1964
- Governor of grant-maintained school, further and higher education corporation or educational establishment maintained by a local education authority
- Member of the National Rivers Authority

must be allowed reasonable unpaid time off to perform his or her duties.

The Council's regulations governing leave of absence in these cases are as follows:

Leave must be authorised by the appropriate Director.

### **(i) JUSTICE OF THE PEACE**

Leave with pay will be granted for up to 18 days in any one financial year.

Should additional leave over and above 18 days be required in order to fulfil Justice of the Peace responsibilities, then the appropriate Director will grant leave of absence without pay. Employees must claim appropriate financial loss allowance and the Council will deduct the financial loss claimable from the employee's wages/salary.

### **(ii) MEMBERSHIP OF A LOCAL AUTHORITY**

Leave with pay will be granted for up to 18 days in any one financial year subject to one third of attendance allowance/financial loss being deducted from salary/wages.

Should additional leave over and above 18 days be required in order to fulfil responsibility as a Member of a Local Authority then the appropriate Director will grant leave of absence without pay.

Where an employee is an elected Member of a Local Authority and that Authority votes to him/her a salary in accordance with the provisions of the Local Government Planning and Land Act 1980, then the employee must advise the Chief Executive so that appropriate arrangements regarding financial adjustment can be made.

Should appointment/election fall within the financial year then the leave entitlement will be adjusted accordingly on a pro-rata basis.

**(iii) MEMBERSHIP OF A COMMUNITY COUNCIL**

Leave with pay shall be granted up to 6 days in any one financial year subject to one third of attendance allowance/financial loss being deducted from salary/wages.

Should appointment/election fall within the financial year then the leave entitlement will be adjusted accordingly on a pro-rata basis.

**(iv) MEMBERSHIP OF A PUBLIC OR OTHER BODY AS A RESULT OF MEMBERSHIP OF A LOCAL AUTHORITY**

Leave without pay shall be granted by the appropriate Director as and when requested.

Alternatively, leave with pay deductible against the 18 days allowable for Local Authority duties may be granted. In this event, one third of attendance allowance/financial loss will be deducted from salary/wages.

**(v) HOLDER OF A CIVIC OFFICE BY VIRTUE OF MEMBERSHIP OF A LOCAL AUTHORITY**

Specific preliminary approval must be obtained through the Director of Human Resources in advance of the year of office when the Director of Human Resources will determine the extent of the leave with pay.

Civic office is defined as Mayor or Deputy Mayor/Authority Chairperson/or Vice-Chairperson.

**(vi) CONSORT OF A RECOGNISED CIVIC OFFICE HOLDER**

Necessary leave with pay may be granted by the Director of Human Resources, subject to the employee obtaining approval through the Director of Human Resources in advance of the year of office.

**(vii) MEMBER OF A BOARD OF VISITORS AT ONE OF H. M. PRISONS**

Leave with pay may be granted by the appropriate Director up to 10 days in any one financial year, or pro-rata should appointment fall within the financial year.

Financial loss allowance must be claimed which will be deducted from the employee's salary/wages.

Leave without pay may be granted by the appropriate Director with no limitation but subject to the exigencies of the service.

**(viii) MEMBERSHIP OF OUTSIDE BODIES**

Employees appointed by a Government Department, member of a National Health Service Trust, member of a Police Authority, Governor of grant-maintained school, higher education corporation or educational establishment maintained by a local education authority, member of the National Rivers Authority, Association of Local Authorities, or a Local Authority to serve on a Committee, Tribunal Panel, not arising from membership of a Local Authority.

- Leave with pay to a maximum of 9 days subject to any fee, allowance or other payment received other than reimbursement of travelling and subsistence expenses being paid into the Council's Fund;
- Otherwise, leave without pay

All such appointments must be notified to the appropriate Chief Officer.

**(ix) APPROVED EXTRANEIOUS APPOINTMENTS WITHIN WORKING HOURS**

**Employees who are not Chief Officers or Related Positions**

If appointment is paid, leave without pay may be granted by the appropriate Chief Officer.

If appointment is unpaid, leave with pay may be granted by the appropriate Chief Officer.

Where the approved activity is not related directly to the employee's appointment, leave without pay may be granted by the appropriate Chief Officer.

Where the activity is related to the employee's appointment, any fee receivable must be paid into the Council's Fund with the exception of the fee for a single lecture, radio or television broadcast or contribution or other media.

Approved attendance at meetings of professional bodies whose principal objects include the improvement of the standard of local government services but exclude trade union activities.

- Leave with pay, with or without expenses as determined by the Council.
- Otherwise, leave without pay, as approved, or annual leave.

### **13. MISCELLANEOUS**

The Leave of Absence regulations are intended to cover all usual eventualities. Should an employee require leave of absence beyond those detailed, a written application must be made to the Director of Human Resources who will have discretion, in consultation with the appropriate Director, to grant such leave of absence subject to the exigencies of the service.

### **14. ABUSE OF THE LEAVE OF ABSENCE REGULATIONS**

The Leave of Absence Scheme hinges on trust, abuse of the scheme will be regarded as gross misconduct. If, following investigation, it is established that the scheme has been abused then the matter will be dealt with in accordance with Rhondda Cynon Taf Council's disciplinary procedures.

**APPENDIX 1**

**RHONDDA CYNON TAF COUNCIL**

**LEAVE OF ABSENCE REQUEST (LOA)**

<b>Name of Applicant</b>			
<b>Section</b>			
<b>Service Area</b>		<b>Pay Nos</b>	
<b>Post Held</b>			
<b>Type of LOA Requested</b>			
<b>Date(s) on which LOA is required</b>			
<b>Reason for LOA application</b>			
<b>Employee Signature</b>		<b>Date</b>	
<b>LOA granted on the date(s) and for the reason specified above.</b>		<b>YES *</b>	<b>NO *</b>
<b>If LOA request is granted with or without pay</b>		<b>WITH SALARY *</b>	<b>WITHOUT SALARY *</b>
<b>Signature</b>	<b>:</b>	<b>Date</b>	
<b>Director/Service Director/Head of Service/Manager * (provided power delegated under Council's Scheme of Delegation)</b> <b>(*) delete as appropriate</b>			