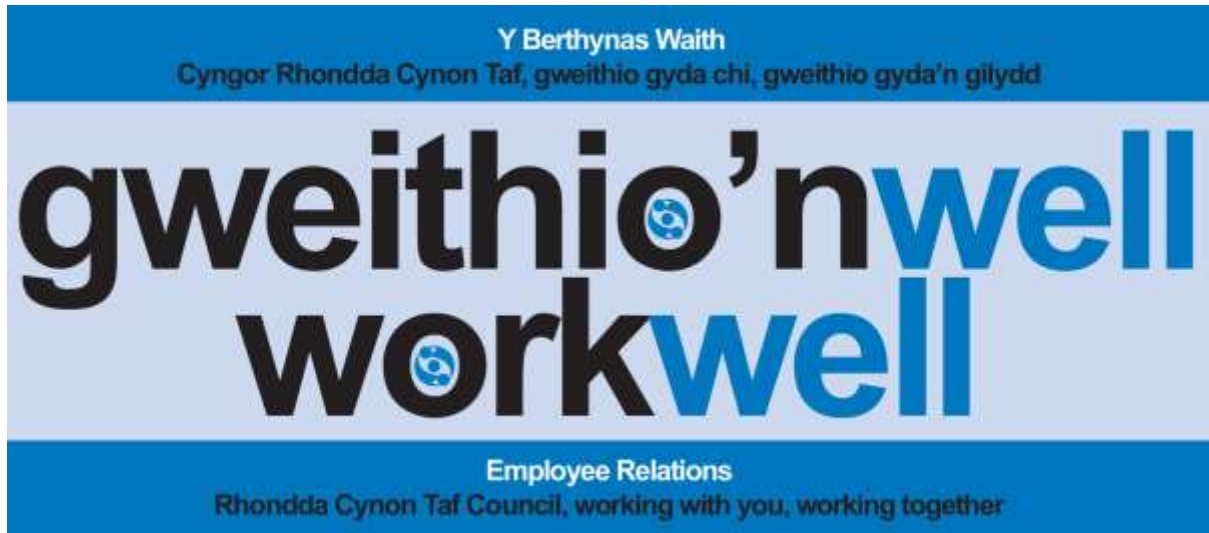


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## Leave of Absence Policy

This document is available in Welsh please see Polisi Rheoli Absenoldeb



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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 Senior Leadership Team, the Chief Executive will exercise discretion.

All Leave of Absence Requests must be submitted using the attached pro-forma (see Appendix 1), available in the language preference of the employee (Welsh and English).

## 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 including childhood illness such as chicken pox, coughs or colds, which may prevent them from attending school or their normal care arrangements. Where applicable leave, flexi, TOIL or unpaid leave should be taken.

Emergency leave should only be considered for unforeseen injury or illnesses that are of a **serious** nature.

A sudden breakdown in care arrangements may be covered should you be required to leave your place of work in an emergency to care for a dependent who has been taken ill or injured. A sudden breakdown would also occur if the nominated carer (e.g, child minder) who is due to look after the dependent is suddenly unable to do so, this would not include if a nursery/carer refuses to take a child/dependent due to the nature of the child's illness.

Emergency leave does **not** extend to notified School closures.

In the event of an emergency 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 (Pro rata'd for part time staff 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 grandchild (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 employee's 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 employee's 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 18 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 eighteen. They have - or expect to have - parental responsibility for the child

### **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. 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 18 weeks parental leave for each child over an eighteen 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 18 weeks' unpaid leave for each child.

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. This also applies to adoptive parents.

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.

### **Notice Provisions to request Parental Leave**

In normal circumstances, a member of staff needs to give a minimum of 21 days notice when requesting parental leave, 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. The employee must be written to within 7 days of the original request, explaining the reason/s for the postponement.

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.

### **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.

#### **5. STUDY LEAVE**

Please see Training, Learning & 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 will also be allowed for any follow up appointments recommended by the hospital e.g. NHS physiotherapy treatment. Again, employees **must** provide their manager with their appointment card/ letter prior to the appointment.



In taking reasonable time off for both of the above employees who work normal office hours will not be able to claim time before 9am or after 5pm. For all other employees, reasonable time off will be considered in conjunction with their rota.

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. 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.

It may be necessary for employees to attend Court everyday during their period of jury service. However, on any day where an employee is released early by the Court, where practicable, they must return to work.

An employee must claim 'loss of earnings allowance' from the Courts and this amount will be deducted from the employee's salary/wages. The Court will then reimburse the full amount to the employee.

Payment for 'loss of earnings' is made to the employee by the Courts (the 'loss of earnings' form must be passed to the Payroll Section for completion as soon as possible) therefore, the absence is recorded as unpaid leave on the Vision system and the amount is deducted from salary in the next available pay period.

Under the 2014 Local Government Pension Scheme regulations, Jury Service is classed as unpaid leave and employees will need to consider the pension buy-back option. Further information is available under the section, **Provision for Buying Back Pension on Unpaid Leave (including Jury Service)**.

## **11. 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.

**12. 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.

### **13 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.

### **14. LOCAL GOVERNMENT PENSION SCHEME (LGPS) REGULATIONS 2014 – Provision for Buying Back Pension on Unpaid Leave (including Jury Service)**

Under the 2014 scheme regulations, any period of unpaid leave (including Jury Service) **will not** count for pension purposes unless you elect whilst an active member of the Scheme to pay an Additional Pension Contribution (APC) to buy-back the amount of pension you would otherwise have earned on the pay 'lost' due to the unpaid leave.

You can choose to buy back the lost pension and your employer will meet two thirds of the cost of buying back the lost pension other than for an absence due to a trade dispute, providing you apply within 30 days of the end of the absence period.

#### **What are the implications if I decide not to buy-back the pension on the 'lost' pay?**

If you do not opt to make an APC payment, the period of absence will not count for pension purposes and this has some potential implications. For example, each day of absence:

- will marginally reduce the amount of pension added to your pension account (compared to the amount of pension that would have been added had you not been absent),
- will, in some cases, extend the date when a member who joined the Scheme before 1 October 2006 could retire before Normal Pension Age on an unreduced pension (i.e. add one day to the date on which a member's combined age and membership in the Scheme, both in whole years, add up to 85 (known as the '85 year rule'), and
- may, if you joined the Scheme prior to 1 April 2014, have a marginal impact on the final pay figure used in the calculation of your pre 2014

pension benefits should you leave within 12 months of the end of the period of unpaid leave or, in some cases, within 3 years of the end of the period.

For further information relating to the Pension buy-back provision, please visit [www.lgps2014.org](http://www.lgps2014.org)

### **Next Steps**

Following approval of an application for unpaid leave, the manager must record details of the unpaid leave on the Vision system and if the employee affected is an active member of the LGPS, they will be contacted by the Payroll section and provided with the buy-back information.

Under the 2014 regulations, Jury Service is also classed as unpaid leave and once the manager has recorded the details as unpaid leave on the Vision system, the employee will be contacted by the Payroll section and provided with the buy-back information.

**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 No</b>	
<b>Post</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> <input type="checkbox"/>	<b>NO *</b> <input type="checkbox"/>	
<b>If LOA request is granted with or without pay</b>	<b>WITH SALARY*</b> <input type="checkbox"/>	<b>WITHOUT SALARY *</b> <input type="checkbox"/>	
<b>If LOA request is refused please give reason as to why e.g. not in line with Policy</b>			
<b>Signature</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>			