

Holiday, Time Off and Special Leave Policy

Version Control

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Amendment Record

Version No.	Date	Summary
1.2	14 March 2014	Paragraph 23.1 to include time off for all election activities – V- 1.2
1.3	7 April 2015	8.1 amended to include Shared Parental Leave
1.4	22 Feb 2018	Paragraph 23.2 to include reference and link to election duties and rest breaks Additional paragraph added (8.5) regarding pay during annual leave in line with Holiday Pay Adjustment Collective Agreement.
1.5	March 2019	Updated to reflect changes resulting from the implementation of Oracle Cloud. Subsumed Buying Annual Leave policy within this policy.
1.6	February 2020	Inclusion of Diabetes under section 14.1 for medical screening and clarification included in Section 34 regarding Oracle Cloud and bank holidays.
1.7	April 2020	Inclusion of Parental Bereavement Leave
1.8	January 2021	Inclusion of Jury Service Guidance
1.9	June 2021	Inclusion of Special Leave provision following a miscarriage

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1 Policy Statement

- 1.1 Holiday and time off provisions are in accordance with Thurrock Council's terms and conditions. These conditions may be amended and/or supplemented from time to time in accordance with the provisions set out in contracts of employment.
- 1.2 Any time off work must be applied for and granted by an employee's manager or their nominated deputy.
- 1.3 The Council expects all employees to be committed to the delivery of high quality services. Nothing in this policy should compromise this commitment, and service delivery will always take priority over time off, if a choice has to be made between the two.

2 Scope

- 2.1 All employees of Thurrock Council including schools based employees where the school has adopted these provisions, unless an individual's contract renders a particular type of leave inapplicable or unfeasible, for example, employees on term-time only contracts have fixed annual leave dates and are ineligible to take annual leave during term-time.

3 Aims & objectives

- 3.1 Thurrock Council aims to ensure:
 - employees are encouraged to achieve a work-life balance;
 - employees are aware of the types of leave they can take and the circumstances in which they can take them;
 - managers and employees are fully aware of the process for requesting and the considerations that managers may make, in deciding whether to grant those requests.

4 General rules for applying for and granting leave

- 4.1 Wherever possible the timing of leave shall be fixed by mutual agreement between employee and manager. All types and all periods of leave taken must be recorded using the Councils HR System. Where discretionary leave granted is without pay, the payroll service must be informed.
- 4.2 The Council reserves the right to refuse an application for leave if it is necessary to maintain appropriate levels of service. Such a decision should be reasonable in the circumstances. If a reasonable request, submitted with reasonable notice, conflicts with the essential requirements of the Council or is otherwise likely to be rejected, the manager should consult with Human Resources to ensure corporate consistency before a decision is made.
- 4.3 Managers will give priority consideration to requests for leave which relate to time off being sought in relation to religious activities.

4.4 All holiday and time off should be recorded in line with this policy using the Council's HR System. The leave balance will be made up of all leave elements including where applicable; annual leave allocation, carry forward leave and purchased leave.

4.5 Once approved an employee will not be asked to change or cancel leave unless there is an exceptional service need in which case the change must be mutually agreed.

5 Public holidays

5.1 Employees are entitled to paid time off for all bank holidays each year. Those working part-time will receive paid time off on a pro-rata basis.

5.2 Employees working in services which operate on public holidays are entitled to compensatory days off at other times.

6 Christmas leave

6.1 For employees working in services which are not required to be operational every day, workplaces will close over the Christmas period, as follows:

When Christmas day falls on:	The service will close on:
Sunday, Monday or Tuesday	Monday, Tuesday and Wednesday
Wednesday or Thursday	Wednesday, Thursday and Friday
Friday	Thursday, Friday and Monday
Saturday	Friday, Monday and Tuesday

6.2 Employees working in services which are required to be operational every day will be entitled to days off in lieu at other times if they work over the Christmas period.

7 Extra statutory day at Christmas

7.1 In addition to their basic holiday entitlement, employees are entitled to one paid extra statutory day of leave. This will be taken on a day determined by the Council over the Christmas break. For employees falling into category 6.1 above, the extra statutory day will be on one of the three days when the service will close.

8 Annual holiday

8.1 The holiday year runs from 1st April to 31st March. The annual holiday entitlement of employees of Thurrock Council is outlined in Appendix 1. Annual leave entitlement is calculated on a pro-rata basis.

8.2 There is no accrual of annual leave during periods of zero pay, for example absence without permission or sabbatical leave, with the exceptions of unpaid maternity, adoption, shared parental and sick leave.

8.3 Up to five days' holiday may normally be carried forward into the next leave year. This will be pro-rata for part time employees. In exceptional circumstances, the Assistant Director or nominated deputy may agree to more than five days being carried forward.

9 Additional holiday for length of service

- 9.1 When employees have completed 5 years continuous service, their holiday entitlement will increase to 30 days in the holiday year in which their anniversary falls (details of additional holiday for long service can be found in Appendix 1).
- 9.2 Service from other Local Government employers or Associated Employers under the **Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999** where continuity of service has been identified will be recognised for the purposes of calculating leave entitlement including for additional holiday purposes per 9.1 above.
- 9.3 The list of employers who have eligibility within the order are available at: <http://www.legislation.gov.uk/ukxi/1999/2277/contents/made>

10 Buying Annual Leave

- 10.1 Employees are given the opportunity to “buy” additional annual leave in each leave year (pro rata for part-time staff)
- 10.2 The employee can choose to spread the salary deductions over the leave year in equal installments (maximum of 10) or make a one off payment in full. Payments must be made before the end of the leave year (31 March) in which the leave is purchased.
- 10.3 Approval of any request to buy additional annual leave will always be subject to the operational requirements of the service, which must remain a priority.
- 10.4 Requests to buy annual leave can be made between 31 January and 30 November i.e. at least two months in advance.
- 10.5 Employees can request to buy annual leave using the Oracle online process.
- 10.6 Managers will consider the request within 5 working days taking into account the effect of granting the request on service delivery.
- 10.7 If approved, the employees annual leave balance will be amended to include the purchased annual leave.
- 10.8 Human Resources will inform the employee in writing, how much these deductions will be and over what period it will be repaid. The employee will be required to confirm their acceptance. Once an application has been approved it is a binding agreement and cannot be altered.
- 10.9 If the application is refused, reasons will be given in writing and communicated to the employee by the manager.
- 10.10 Employees who are not satisfied with their manager’s response may appeal to their manager’s manager within 5 working days of receiving the response, giving written reasons for their appeal.

10.11 Employees will receive a written response to their appeal within 5 working days. The outcome of the appeal will be final.

10.12 The calculation for full-time employees working a standard working pattern, i.e. 37 hours over 5 days, will be arrived at by:

- dividing the employee's basic annual salary (excluding non-contractual overtime) by 52.1428 to determine their basic weekly pay;
- dividing this figure by 5 to reach their daily pay;
- multiplying this figure by the number of annual leave days the employee wishes to buy;
- dividing this figure by 10 to arrive at the amount that will be deducted from the employee's monthly salary;
- subtracting that figure from the employee's monthly salary.

10.13 The calculation for part-time employees will be arrived at by:

- dividing the employee's basic annual salary (excluding non-contractual overtime) by 52.1428 to determine their basic weekly pay;
- dividing this figure by part-time hours to reach their hourly pay
- multiplying this figure by the number of annual leave hours the employee wishes to buy
- dividing this figure by 10 to arrive at the amount that will be deducted from the employee's monthly salary
- subtracting that figure from the employee's monthly salary.

10.14 Pension contributions will be made prior to any deduction from salary and are therefore unaffected.

10.15 Employees who purchase leave and then go on maternity leave should be aware that at the commencement of their maternity leave, their average earnings will be calculated on their pay after the deduction for bought annual leave, and not their whole pay. If employees wish to withdraw for this reason, they should do so 3 months before their qualifying week (see Working Families Policy – Maternity), and contact the Payroll Team to assess their individual circumstances and options are available.

10.16 Employees who purchase leave but subsequently enter long term sickness should contact Human Resources to discuss options.

10.17 Employees who buy additional annual leave and subsequently leave the council, will be required to repay from their final salary the value of any additional leave taken if they leave prior to full repayment.

11 Falling ill when on annual leave

11.1 Contractual annual leave will continue to accrue during periods of sickness absence.

11.2 Employees who are prevented from taking at least 4 weeks' paid leave (20 days for FTE employees working a 5 day week inclusive of bank holidays) within a leave year,

due to sickness absence, have a statutory right to carry forward the difference into the next leave year.

- 11.3 If an employee reports sick prior to a period of annual leave, an application may be made to the manager to cancel the holiday request and the manager will grant the request. The employee will be required to provide the appropriate sickness certification in line with the Council's [Managing Sickness Absence Policy](#).
- 11.4 If an employee becomes sick during a period of booked annual leave (i.e. at a time when they would otherwise have been due to attend their workplace), this will be recorded as sickness absence (and annual leave re-credited) if the individual reports their sickness in the usual way and provides satisfactory evidence of their incapacity (e.g. a fit note or doctors statement or medical certificate from a UK or overseas doctor). The [Managing Sickness Absence Policy](#) contains more information on this process.
- 11.5 Any claims for reinstatement of leave owing to illness must be made as soon as practicable and not later than the return to work interview under the Managing Sickness Absence Policy. This will enable the manager and employee to discuss the alternative arrangements for the reimbursed annual leave to be taken within the same annual leave year, where it is possible to do so. Where sick leave is claimed during holidays, this will count towards the calculation of triggers under the Managing Sickness Absence Policy.
- 11.6 Time off in lieu will be treated the same as annual leave for this purpose.

12 Doctor, Dentist, Hospital and Therapy appointments

- 12.1 Whenever possible, health appointments should be arranged outside normal working hours. If this is not possible, flexi-leave (where applicable), or annual leave should be taken.
- 12.2 If the appointment is at management's request, or arises from an industrial injury or from a disability as defined by the Equality Act 2010, paid time off within working hours will normally be granted if it is not possible for alternative arrangements to be made.

13 Blood, platelet and bone marrow donors

- 13.1 Reasonable time off with pay will be granted for blood donors to attend local blood donation centres, and for platelet and bone marrow donors.

14 Medical Screening

- 14.1 Paid time off shall be granted, by agreement with the employee's manager, for the purpose of being screened for:
- Cancer;
 - Cholesterol;
 - Diabetes;
 - Hearing;

- Osteoporosis;
- Glaucoma;
- Eye sight.

15 Leave provisions for non-essential medical treatment

15.1 Non-essential, and/or elective medical treatment, including cosmetic surgery, should be taken as annual leave. In some circumstances, at the discretion of the Assistant Director, it may be taken as special or flexi leave if supported by a medical certificate.

16 Leave for parents and parents-to-be

16.1 Please refer to the [Working Families Policy and Procedure](#) for detailed guidance.

17 Time off for dependants

17.1 All employees are entitled to apply for a short amount of unpaid time off to make arrangements to deal with ***unforeseen emergency situations*** involving a dependant. A dependant is defined as a spouse, next of kin, child or parent, or a person living with the employee (but not as an employee, tenant, lodger or border). In some circumstances, a dependant could be someone else who relies on the employee for assistance.

17.2 Dependency leave may be granted if, for example:

- a dependent falls ill, is injured or assaulted, or gives birth;
- childcare or other care arrangements break down;
- a child is involved in a serious incident at school.

17.3 The amount of time off should be reasonable in the circumstances and sufficient for the employee to deal with the immediate problem and make alternative, longer-term arrangements, if necessary. There is no set limit on the amount of time which employees can take off, but in most cases, whatever the problem, a few hours or one or two days will be the most that is needed.

17.4 As soon as is reasonably practicable, the employee should notify their manager of the reason why they are required to be absent and, unless they are already back at work, its likely duration.

18 Examination and study leave

18.1 Paid leave will be granted for employees to sit examinations which are part of courses relevant to their work and/or sponsored by the Council.

18.2 In addition, discretionary leave may be granted by an employee's manager, if service demands allow, in order to revise for approved examinations.

18.3 If a course is not sponsored by the Council, leave with or without pay may be granted for exams and/or revision. This will be determined at the Assistant Director or Service Manager's discretion.

19 Holiday entitlement on termination of employment

- 19.1 Employees who resign and plan to leave local government service should make every effort to take the annual leave they have accrued. If this is not possible due to service commitments, they may be paid in lieu of it for outstanding annual leave on a pro-rata basis.
- 19.2 They will receive any outstanding holiday, earned but not taken in the form of accrued holiday pay. Such payments are subject to tax and national insurance deductions. Employees who leave local government service will have any money deducted from final pay monies owed in respect of holiday taken but not yet accrued (rounded up to the nearest ½ day).

20 Moving to another Council

- 20.1 Employees who leave Thurrock's employment to work for another council or associated employers, or vice versa, can take with them any additional holiday entitlement accrued through long service.

21 Compulsory transfer

- 21.1 Employees who are compulsorily transferred to another organisation under TUPE regulations and then voluntarily return to Thurrock Council shall, for the purposes of additional annual holiday, be entitled to have continuous service, accrued immediately before the transfer, recognised.

22 Transfer of holiday for Employees previously working in Local Government

- 22.1 The Council will not accept accrued holiday days from other authorities or associated employers.

23 Jury service

- 23.1 Employees receiving a summons to serve on a jury must report the fact to Human Resources and their manager, who shall grant leave of absence unless exemption is secured. Employees serving as jurors shall claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowance Regulations. The Council will then deduct from the employee's net pay an amount equal to the allowance received. Further guidance on jury service can be found [here](#).

24 Election duties

- 24.1 Paid leave may be granted to employees taking part in duties/activities related to European, Parliamentary, or Council Elections within the Borough.
- 24.2 Guidance for rest break requirements is contained in Appendix 1 of Working Hours & Rest Breaks Policy [Working Hours & Rest Breaks Policy](#)

25 Parliamentary candidates

- 25.1 Employees who are adopted as candidates at a parliamentary election may be granted up to four weeks' special leave without pay to enable them to pursue their

candidature. No Council facilities will be accorded to any such employees during the special leave period.

25.2 An employee who is elected to parliament would have to resign from the Council. In this event, the resignation must be unconditional and the employee, if seeking re-employment on ceasing to be a member of parliament, would have no claim to reinstatement either in the vacated post or in any other post in the Council's service.

26 Public duties

26.1 The amount of time off which an employee may be permitted to take under this section are those that are reasonable in all the circumstances having regard, in particular to how much time off is required, how much time off the employee has already been permitted to take, and the circumstances of the employer's business.

26.2 Employees should provide written notification to their Manager and Human Resources of the public duties and any time off that may be requested. Any pay received during the course of carrying out public duties should be refunded to the Council.

26.3 Types of Public Duties, which may be authorised by the Council:

- Justices of the Peace
- Members of a Local Authority
- Territorial Army
- Governors of schools or other educational establishments
- Any other public duties authorised by the employee's director.

26.4 The Chief Executives, Directors and Heads of Service who receive pay for public duties will refund this to the Council.

26.5 Employees are advised to discuss any public appointment with their manager before accepting and to seek advice from Human Resources.

26.6 When a public duty is first undertaken it must be recorded on the Council's Register of Interests at the earliest opportunity.

27 Census enumerators

27.1 One day's special leave with pay will be granted to employees released for work as enumerators on the national census, at the discretion of the Chief Executive.

28 Special leave

28.1 Line Managers are authorised to grant, in any one leave year, up to five days paid leave (pro rata for part time employees) and 30 days unpaid leave of absence on compassionate or other grounds.

28.2 Requests for special leave will be considered according to individual circumstances and, where appropriate, take account of any outstanding annual leave.

29 Parental Bereavement Leave Entitlement

29.1 Employed parents and adults with parental responsibility who have suffered the loss of a child under the age of 18, Adults with 'parental responsibility' including adaptors, foster parents and guardians will be entitled to parental bereavement leave.

29.2 The new entitlement will also apply to parents who suffer a stillbirth after 24 weeks of pregnancy. In this instance, female employees will still be entitled to up to 52 weeks of maternity leave and/or pay, as will a mother who loses a child after it is born.

29.3 Under the legislation, parents and primary carers must have been employed for a continuous period of at least 26 weeks before the child's death to be eligible for paid parental bereavement leave. All employees have a 'day one' right to unpaid bereavement leave.

29.4 For Thurrock Council employees, parental bereavement leave will be paid at full pay from day 1 and therefore the 26 weeks eligibility requirement does not apply.

29.5 Parental bereavement leave is for two weeks and can be taken as:

- A single block of two weeks
- Two separate blocks of one week at different times
- It cannot be taken as individual days. It must be taken within 56 weeks of the date of the child's death.

29.6 Notice requirements:

- Notice requirements for taking the leave will be flexible, so it can be taken at short notice;
- Within the first 56 days of a child's death, a bereaved parent can take the leave straightaway and will only be required to give informal notification such as a telephone call to their line manager
- For any requests more than 56 days after the child's death, a minimum of one weeks' notice of their intention to take parental bereavement leave is required
- If an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

29.7 Special leave following a miscarriage:

- If an employee suffers a miscarriage before 24 weeks of pregnancy, up to 5 days paid leave (pro-rata for part time employees) can be claimed as special leave (miscarriage).
- If an employee is the spouse or partner of someone who has suffered a miscarriage, up to 5 days paid leave (pro-rata for part-timers) can be claimed as special leave (miscarriage).
- In the case of a miscarriage, the leave can be taken straightaway and the employee will only be required to provide notification to their line manager who must record the absence on Oracle Cloud as 'special leave – paid'
- If an employee suffers more than one miscarriage, they will be entitled to take a separate period of leave for each.

- For Thurrock Council employees, entitlement to the above will be paid at full pay from day 1 and a preceding period of service eligibility requirement does not apply.
- Supporting medical documentation should be provided at the appropriate stage.

30 Pre-retirement leave

- 30.1 Staff approaching retirement will be entitled in their final year to take an additional five days' paid leave en-block, and up to five further days set aside for attendance at a pre-retirement course organised or authorised by the Council.
- 30.2 The above entitlements are in addition to annual leave entitlement and cannot be paid in lieu of taking the time off.

31 Service in non-regular forces

- 31.1 Two weeks leave of absence with pay may be granted to an employee for attendance at summer camp, at the discretion of an employee's Director. An authorised leave of absence form should be sent to Human Resources.

32 Attendance at recruitment interviews

- 32.1 At the discretion of the Assistant Director or Service Manager, an employee may be entitled to time off with pay to attend interviews at Thurrock Council or its partners organisations. Annual leave, flexi-leave or unpaid leave must be taken for all other interviews.
- 32.2 Employees who are at risk of redundancy or who have received notice of redundancy will be entitled to reasonable paid time off to attend interviews with any employer.

33 Severe weather conditions

- 33.1 When there are severe weather conditions employees are expected to make every reasonable effort to get to work on time and managers will use their discretion when considering individual cases.
- 33.2 Employees unable to attend owing to severe weather conditions will, in agreement with their manager:
- take annual leave, or
 - take a 'Flexible Working Hours' day/half day off and make up the hours as soon as possible, or
 - take time off in lieu owed, or
 - make time up in the near future, or
 - bring forward annual leave if their current year entitlement has been exhausted.
- 33.3 Any decision to allow employees to leave early as a result of severe weather will be taken by the Chief Executive or their representative. This decision will be taken in the light of the current information on road conditions, rail or traffic conditions.
- 32.4 If you are available to work but the Council is unable to provide you with work, for example due to building closures, you will receive pay as normal.

34 Career breaks

34.1 These are unpaid breaks of between 12 weeks and 2 years with the employee returning to work after the break. See Career Break Scheme for further information.

35 Leave for part-time Employees

35.1 Part-time employees have the same leave entitlements as full-time employees, but on a pro-rata basis. This includes an allowance for public, bank holidays and the Christmas extra statutory holiday (based on an averaged 9 days per year).

35.2 Part-time employees are not expected regularly to undertake work tasks during their non-working time, although occasional flexibility on both sides is often appreciated.

35.3 Holiday entitlement for part-time employees must be calculated in hours, as follows:

- $\text{Hours worked per week} \div 37 \times (\text{annual leave entitlement} + \text{bank holidays/statutory entitlement}) \times 7.4$

35.4 As Oracle Cloud balance includes bank holiday/statutory entitlement, part time employees must deduct the number of hours that they were scheduled to work if a bank/statutory holiday falls on a day within their working pattern. This should be booked in the same manner as an annual leave request. If a bank/statutory holiday falls on a non-working day, no deduction is required.

35.5 Workers on casual contracts accrue leave according to the numbers of hours they work.

36 Flexi leave

36.1 Please refer to Section 11 of the Council's [Flexible Working Policy](#).

37 Overtaken holiday

37.1 For further information on overtaken holiday please refer to Section 9 of the Council's [Termination of Employment Policy](#).

38 Reasonable Adjustments in Accordance with the Equality Act

38.1 Employees who are disabled as defined in the Equality Act 2010 may be granted paid time off as a reasonable adjustment for unforeseen incidents i.e. a guide dog falls ill or adaptations break.

38.2 Paid time off will be granted to employees with disabilities to attend medical appointments, or to have treatment, relating to their disability.

39 Appendix 1 - Holiday Entitlements

	Less than 5 years' Thurrock Council service	5 years' or over Continuous Local Government Service
All Grades	25	30

- The Council will grant a further statutory day at a date to be determined by the Council over the Christmas and New Year period.
- The above does not include Bank Holidays.
- Continuous local government service will be used when calculating holiday entitlements.